

China Engages Global Health Governance: A Stakeholder or System-Transformer?

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Published

2009

Thesis Type

Thesis (PhD Doctorate)

School

Department of International Business and Asian Studies

DOI

[10.25904/1912/3156](https://doi.org/10.25904/1912/3156)

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**China Engages Global Health Governance:
A Stakeholder or a System-Transformer?**

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Doctor of Philosophy

18 August 2008

Abstract

Through the lens of public health, in particular HIV/AIDS, this research first scrutinises China's compliance with and resistance to the norms and rules embedded in the global health regime, and second, illustrates China's evolving global role and its intentions for global governance.

China's response to its HIV/AIDS epidemic and its active engagement with the multilateral institutions of global health governance are attributable to both necessity and conscious design. While calling for and welcoming the involvement of multiple actors, a sine qua non for China's continued engagement with global governance and global health governance is that they should be conducted in accordance with the principles of national sovereignty, non-intervention and territorial integrity. Overall, while China does not seek any radical transformation of the prevailing world order, its vision for the global order is not compatible with that espoused by the West which attaches much weight to liberal democratic values thereby justifying the notion and practice of humanitarian intervention. With a preference for a Westphalian model of governance, China is not a 'responsible stakeholder' in the liberal democratic order. Beijing advocates multilateral cooperation in a pluralist 'harmonious world' and argues that there is no fixed universal blueprint for development. China adopts a twin strategy in its relations with the outside world. On the one hand, it seeks to defend itself from the encroachment of liberal values while maintaining friendly relations with the leading powers of the West; and on the other, to shore up the principles of national sovereignty and non-intervention as well as strengthen ties with Third World countries so as to consolidate a normative and political bulwark against liberal democratic values on the world stage.

Statement of Originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Lai-Ha Chan

Acknowledgements

The road towards my academic pursuance has been bumpy. I am deeply indebted to four people for helping me to overcome all of the difficulties and setbacks. Without them, this thesis would not have been completed. Professor Michael Wesley, my supervisor, played an instrumental role in encouraging me to sharpen my conceptualisation of the theoretical aspect of this project. Professor Ronald Keith, my associate supervisor, challenged and thereby helped me refine my thinking of China's behaviour with the rest of the world. Professor Gerald Chan guided me to the study of China's foreign relations when I did my Master's degree in New Zealand. Dr Pak K. Lee, my first mentor and staunchest supporter, whom I first came to know during my undergraduate days as one of my lecturers, has believed in me and encouraged me through all the ups and downs of my academic quest. I am truly indebted to them for all their academic guidance, encouragement and support during these years.

Parts of this study have been published in various areas, including peer-reviewed journals, a book chapter and a monograph. They are: *Contemporary Politics*, vol. 14, no.1, March 2008; *Global Public Health*, vol. 4, no. 1, 2009 (forthcoming); Joseph Cheng, ed., *Challenges and Policy Programmes of China's New Leadership*, Chapter 13 (Hong Kong: City University of Hong Kong, 2007), and Griffith Asia Institute Regional Outlook series, No. 8, 2006. I have benefited enormously from cooperating with both Gerald Chan and Pak K. Lee on an on-going book project on China and global governance. Through the cooperation and discussion with them, my understanding of China's foreign relations has increased by leaps and bounds in the past two years. I am very grateful for the opportunity to work with them.

I also benefited from the feedbacks and comments I received from the participants in various conferences and seminars. They included the Australasian Political Studies Association Annual Conference, The Third Annual Graduate Conference on China at the Chinese University of Hong Kong, the Chinese Studies Association of Australia Biennial Conference, Griffith Asia Institute Research Seminars, and the Griffith Asia Institute China Policy Discussion Group. The comments directly or indirectly helped to crystallise the arguments I make in this research. Additionally, thanks go to Pak K. Lee for proofreading and commenting on all of the earlier drafts of my chapters, and

to Richard Hutchinson for proofreading the final draft. Needless to say, the responsibility for any mistakes in this research is entirely mine.

It is my pleasure to acknowledge Griffith Asia Institute for its generous scholarship which has provided me with adequate financial support to pursue my study in Australia. I also appreciate the funding contributions of the Department of International Business and Asian Studies, Griffith University, which allowed me to undertake two field trips to Beijing and Hong Kong throughout my candidature. My thanks also go to my colleagues and friends at Griffith Asia Institute, an excellent research centre nurturing enthusiastic and serious young scholars, for their friendship and enrichment of university life. I am also grateful to Vivian Dou, Li Youwen, Siu Hoiyin and Song Nan for their warm hospitality during my fieldwork in Beijing. They made my trips successful and enjoyable. Robyn White, Dai Zheng and Sue Pace assisted me with editing the tables and figures in this project. I am grateful to their kind assistance.

Last but not least, this thesis is dedicated to my late parents, Chan Ying-Jor and Lok Chao-Chong, for their love, upbringing, inspiration, and confidence in me. Even though both had limited formal education, having grown up during some of China's darkest years in disparaging literacy, they steadfastly supported me in my educational pursuit. I will love both of you forever.

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List of Abbreviations and Acronyms

ACFTU	All-China Federation of Trade Unions
ADB	Asian Development Bank
APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ARV	Anti-retroviral
ASEAN	Association of Southeast Asian Nations
AusAID	Australian Government's Overseas Aid Agency
CAHHF	China-Australia Health and HIV/AIDS Facility
CASS	Chinese Academy of Social Sciences
China CARES	China's Comprehensive AIDS Response
China CDC	Chinese Center for Disease Control and Prevention
CCP	Chinese Communist Party
CCTV	China Central Television
CHARTS	AIDS Roadmap Tactical Support
CTBT	Comprehensive Test Ban Treaty
CSIS	Center for Strategic and International Studies
DFID	Department for International Development
FOCAC	Forum on China-Africa Cooperation
FTA	Free Trade Agreement
GBC	Global Business Coalition on HIV/AIDS
G8	The Group of Eight
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICISS	International Commission on Intervention and State Sovereignty
IFRC	International Federation of Red Cross and Red Crescent Societies
IDU	intravenous drug user
IGO	Inter-Governmental Organisation
ILO	International Labour Organization
IMF	International Monetary Fund
ITPC	International Treatment Preparedness Coalition
MNC	Multinational Corporation
MSD	Merck, Sharp & Dohme

MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organization
NBA	National Basketball Association
NGO	Non-Governmental Organisation
NPC	National People's Congress
NPT	Non-Proliferation Treaty
OHCHR	United Nations High Commissioner for Human Rights
PRC	People's Republic of China
R&D	Research and Development
SAP	Structural Adjustment Programme
SARS	Severe Acute Respiratory Syndrome
SEATO	Southeast Asia Treaty Organisation
STD	Sexually Transmitted Disease
THSSP	Tibet Health Sector Support Programme
TMD	Theatre Missile Defence
TRIPS	Trade-Related Aspects of Intellectual Property Rights
WHO	World Health Organisation
WTO	World Trade Organisation
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund

Chinese Names of People Mentioned in the Text¹

Cai Tuo	蔡拓
Chan, Margaret	陈冯富珍
Chiang Kaishek	蒋介石
Deng Xiaoping	邓小平
Duan Qiong	段琼
Gao Qiang	高强
Gao Yaojie	高耀洁
Hu Jia	胡佳
Hu Jintao	胡锦涛
Jiang Zemin	江泽民
Li Dun	李楯
Li Liming	李立明
Liu Dongguo	刘东国
Lu Xiaohong	陆晓红
Luo Jianbo	罗建波
Mao Zedong	毛泽东
Men Honghua	门洪华
Pang Zhongying	庞中英
Qi Xiaoqiu	齐晓秋
Qian Qichen	钱其琛
Ren Minghui	任明辉
Rong Min	荣民
Shi Yinhong	时殷宏
Su Changhe	苏长和
Sun Tzu	孙子
Wan Yanhai	万延海

¹ Throughout this study, Chinese personal names appear with the surname first followed by given names.

Wang Hongyi	王洪一
Wang Longde	王陇德
Wang Yizhou	王逸舟
Wen Jiabao	温家宝
Wu Yi	吴仪
Yang Chuang	杨闯
Yang Jun	杨军
Yang Zhongwei	杨中伟
Yao Ming	姚明
Yu Keping	俞可平
Yu Zhengliang	俞正樑
Zeng Yinyan	曾金燕
Zhang Beichuan	张北川
Zhang Wenkang	张文康
Zhou Enlai	周恩来

Chinese Terms Mentioned in the Text

Pinyin	Chinese	Meaning in English
<i>Buzhan er qu ren zhi bing; shan zhi shan zhe ye</i>	不战而屈人之兵，善之善者也	To subdue the enemy without fighting is the acme of skill
<i>Fu zeren de daguo</i>	负责任的大国	A responsible great power
<i>Fu zeren de fazhan zhong daguo</i>	负责任的发展中大国	A responsible developing great power
<i>Gaibian ziji yingxiang shijie</i>	改变自己，影响世界	Transform itself, influence the world
<i>Gongcheng weixia, gongxin weishang</i>	攻城为下，攻心为上	The best stratagem is to win the hearts and minds than to attack towns and cities
<i>Gongxin shu</i>	攻心术	The art of obtaining perfection from a person is by winning his/her heart
<i>Guoji diwei</i>	国际地位	International status
<i>Guojia gongtong zhili</i>	国家共同治理	State Co-Governance
<i>Hexie Shijie</i>	和谐世界	A Harmonious World
<i>Jue bu dangtou; taoguang yanghui</i>	绝不当头；韬光养晦	Never claiming leadership, hiding capacity and biding time
<i>Lingqi luzao</i>	另起炉灶	Setting up a separate kitchen
<i>Meiyou guo, nayou jia</i>	没有国，哪有家	Without the State, how can we have our family?
<i>Qiu tong cun yi</i>	求同存异	Seeking common ground while reserving differences
<i>Quanqiu Zhili</i>	全球治理	Global Governance
<i>Shuangren jian</i>	双刃剑	A two-edged sword
<i>Zhengce pinggu baogao</i>	政策评估报告	Policy Assessment Report
<i>Zhixing jijin</i>	智行基金	Chi Heng Foundation

<i>zhongguo qikan quanwen shujuku: jingji,</i>	中国期刊全文数据库:经济	China Academic Journals Full-text Database: Economics, Politics
<i>zhengzhi yu falü zhuandang;</i>	政治与法律专档	and Law
<i>Zhongguo yiliao weisheng fazhan baogao</i>	中国医疗卫生发展报告	The Health Care Green Book

Chapter 1 Introduction

A wealthy China would not be a status quo power but an aggressive state determined to achieve regional hegemony.

John J. Mearsheimer, 2001¹

[A]s a status quo power ... [t]oday China is an exporter of good will and consumer durables instead of revolution and weapons.

David Shambaugh, 2004/05²

Since the mid-1990s, both China's participation in multilateral dialogues and its cooperation with other countries in relation to global issues have increased dramatically. However, behind this increased engagement with global governance there is often a dichotomy between rhetoric and practice. On the one hand, it has shown a penchant for multilateral cooperation and a willingness to comply with international norms and rules. It has widened its policy platforms to include 'low politics' and 'high politics' and deepened its engagement with most of the inter-governmental organisations (IGOs). Asian countries have applauded China for its good neighbourly policy, promotion of the 'cooperative security' concept and responsible behaviour in maintaining the stability of the regional financial market during the Asian financial crisis of 1997-98. This has, in fact, practically demonstrated that China is no longer a dissatisfied power with the intention of revolutionising the current existing international order. Instead, it presents itself as a friendly neighbour and an emerging responsible power at the global level. In the area of public health, China's participation in global health governance has also substantially increased, especially in managing Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS). Having been in denial

¹ John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton and Company, 2001), p. 402.

² David Shambaugh, 'China Engages Asia: Reshaping the Regional Order', *International Security*, Vol. 29, No. 3, Winter 2004/05, p. 65.

about the existence of an HIV/AIDS epidemic in the country for more than 15 years, the government swiftly took a forthright approach in responding to the disease at the turn of this century. Contrary to the conventional wisdom which claims that China's changing health policy was triggered by the Severe Acute Respiratory Syndrome (SARS) outbreak of 2002-2003, this research finds that China's shifting attitude towards the epidemic in fact took place well before the SARS crisis. Not only did the government openly admit in June 2001 the problem of the epidemic inside the country but also kicked off its proactive engagement with a wide range of actors, including IGOs, non-governmental organisations (NGOs), government-spanning networks as well as the private business sector, to combat the disease inside China.³ They portray itself as a responsible great power (*fu zeren de daguo*). China also extended its fight against the disease to the African continent where the disease is a leading cause of death. Africa accounted for 67% of total infections.⁴ Hence, the first question to be addressed is why the Chinese government changed tack under no threatening crisis and has since embraced multilateralism.

However, there is a related contradiction between the government's rhetoric and its benign multilateral policy. Both Chinese scholars and leaders harbour resentment against global governance and the underlying liberal international order. They assert that the world order is 'undemocratic' and unfair to less developed countries in the sense that to a major extent IGOs serve merely as the instrument of the Western states, particularly the United States (US) and the European Union (EU), to pursue their own self-interests. As a result, the rights and interests of developing countries are not always given due attention and respect by the international community. Perceiving the current international order as unjust, Chinese leaders have therefore often called for a 'democratisation of international relations' or remaking a more equitable and just new

³ This view is largely shared by Jing Gu and Neil Renwick. See their article 'China's Fight against HIV/AIDS', *Journal of Contemporary China*, Vol. 17, No. 54, February 2008, pp. 85-106.

⁴ According to the UNAIDS and the WHO, the estimated number of HIV/AIDS infected individuals in the world was 33.2 million at the end of 2007. Among them, 22.5 million were living in sub-Saharan Africa. See *2007 AIDS Epidemic Update* (UNAIDS and WHO, December 2007), available at: http://data.unaids.org/pub/EPISlides/2007/2007_epiupdate_en.pdf (accessed 28 November 2007), p. 7.

world order with developing countries as its close allies.⁵ Echoing the official views, Chinese scholars also assert the legitimate relevance of non-Western models of liberal democracy in order to reshape the architecture of global governance.⁶

There is little doubt that China has remarkably increased its presence in various international organisations. But there is a gap between the observed behaviour and rhetoric. My research investigates this contrast. It is mainly concerned with the goals, means and limits of China's participation in global governance. Using public health, particularly China's response to HIV/AIDS, as a case study, this research serves to provide a useful window on understanding China's evolving global role and its intentions in global governance in general and global health governance in particular. It asks: How does China's record of compliance or non-compliance with the international health regime reveal the reasons for and limitations of its participation in global governance? Given an apparent contradiction between the need for a stable world order for its own development and its resentment against the current one, what role will China, with its increasing power, play in the existing international order – a responsible stakeholder, a discontented system-transformer, or a combination of the two?

The following sections first address the rationale for studying public health and global health governance in a globalised world in general and China's public health in particular, followed by an outline of the hypothesis and research methodology and an overview of the research findings.

⁵ For example, Jiang Zemin, *China and Africa-usher in the New Century Together – Speech by President Jiang Zemin of the People's Republic of China at the Opening Ceremony of the Forum on China-Africa Cooperation* (Forum on China-Africa Cooperation, 10 October 2000); the full text is available at <http://www.focac.org/eng/zyzl/zyjh/t157712.htm> (accessed 21 July 2008).

⁶ For example, Chen Huajie, "Heping fazhan: hexie shehui qianguhua 'Beijing gongshi' (Peaceful development: a harmonious world strengthens 'Beijing Consensus')", *Pandeng (Ascent)*, No. 6, December 2005, pp. 63-66.

Globalisation and Public Health⁷

Micro-organisms do not recognize or respect national boundaries, especially in a highly globalised world. Infectious diseases can readily spread from one country to another and indeed from one continent to another, posing direct threats to national and human security, as evidenced by the spread of such contagious diseases as HIV/AIDS, SARS, and avian influenza.

Many new and resurgent pathogenic viruses have the capacity to reach anywhere in the world within 24 hours. They can have a destructive effect on state capacity, national prosperity and effective governance. Public health can no longer be perceived as a behind-the-border domestic issue, separated from foreign-policy concerns. It is now widely considered a non-traditional security threat with global dimensions. Lincoln C. Chen and his colleagues argue that globalisation is eroding the boundary between the determinants of public and private health.⁸ The late Jonathan Mann, former head of the World Health Organization (WHO) Global Programme on AIDS, said that ‘the dramatic increases in worldwide movement of people, goods, and ideas is the driving force behind the globalisation of disease ... health problems in any part of the world can rapidly become a health threat to many or all.’⁹ It is little wonder that the fight against infectious diseases constituted one of the priority areas of the Group of Eight summit meeting held in St. Petersburg, Russia, in July 2006.¹⁰

In the present globalised world, no single state has the ability to contain and control a highly lethal infectious disease on its own. A country’s public health and its policies

⁷ This Section draws and elaborates on Lai-Ha Chan, Pak K. Lee and Gerald Chan, ‘China Engages Global Health Governance: Processes and Dilemmas’, *Global Public Health*, Vol. 4, No. 1, 2009 (forthcoming).

⁸ Lincoln C. Chen, Tim G. Evans and Richard A. Cash, ‘Health as a Global Public Good’, in Inge Kaul, Isabelle Grumberg and Marc A. Stern (eds), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), p. 285.

⁹ Quoted in Laurie Garrett, *The Coming Plague: Newly Emerging Diseases in a World out of Balance* (New York: Farrar, Straus & Giroux, 1994), pp. xi-xii.

¹⁰ *Fight against Infectious Diseases* (St. Petersburg: G8 Summit Documents, 16 July 2006); available at <http://en.g8russia.ru/docs/10.html> (accessed 31 July 2008).

could have dire consequences for itself as well as the international community. Until very recently public health governance or international health governance had primarily been focused on the national level. Under the Westphalian concept of governance, the state has supreme power over its domestic affairs. According to the principle of consent-based international law, states have no legal obligation to involve international institutions in addressing a health crisis within their own territories. Cooperation and compliance with the International Health Regulations of the WHO depend very much on the goodwill of governments. In this respect, the international community has little or no legal basis to charge or condemn China for denying entry of a WHO delegation into its country at the early stages of the SARS outbreak.¹¹ However, as a result of the SARS outbreak and China's belated response, state-centrism is widely believed to be a relic of the past in this age of globalisation.

Given the deterritorialisation nature of globalisation, the key issue is how to control the spread of borderless micro-organisms in a borderless world. Health issues are at the forefront of the study of global politics and global governance in the 21st century.¹² Some International Relations scholars have called for a post-Westphalian

¹¹ According to the International Health Regulations, states' international legal obligations are to report outbreaks of cholera, plague, and yellow fever. SARS, a new pathogenic lethal disease, was not included in the regulations at that time. Therefore, strictly speaking, China had no international legal obligation to involve the WHO in addressing the SARS problem within its territory. See David P. Fidler, *SARS, Governance and the Globalisation of Disease* (Basingstoke: Palgrave, 2004), pp. 108-110.

¹² There is an extensive and growing literature, including Lincoln Chen, Sakiko Fukuda-Parr and Ellen Seidensticker (eds), *Human Security in a Global World* (Cambridge, MA: Global Equity Initiative, Asia Center, Harvard University, 2003); Lincoln Chen, Jennifer Leaning and Vasant Narasimhan (eds), *Global Health Challenges for Human Security* (Cambridge, MA: Global Equity Initiative, Asia Center, Harvard University, 2003); David Heymann, 'The Evolving Infectious Disease Threat: Implications for National and Global Security', *Journal of Human Development*, Vol. 4, No. 2, July 2003, pp. 191-207; Dennis Altman, 'AIDS and Security', *International Relations*, Vol. 17, No. 4, 2003, pp. 417-427; Gro Harlem Brundtland, 'Global Health and International Security', *Global Governance*, Vol. 9, No. 4, October-December 2003, pp. 417-423; Kelley Lee (ed), *Health Impacts of Globalisation: Towards Global Governance* (Basingstoke: Palgrave Macmillan, 2003); Kelley Lee (ed), *Globalisation and Health: An Introduction* (Basingstoke: Palgrave Macmillan, 2003); Kelly Lee and Jeff Collin (eds), *Global Change and Health* (New York: Open University Press, 2005); Melissa Curley and Nicholas Thomas, 'Human Security and Public Health in Southeast Asia: the SARS Outbreak', *Australian*

form of governance in managing pathogenic diseases.¹³ They are sceptical about the usefulness of the state-centric, Westphalian approach to public health. For instance, in his study of the SARS outbreak, David Fidler concludes that ‘Westphalian public health’ principles failed to combat the outbreak.¹⁴ Public health should no longer be considered merely a medical and social issue, but also a security issue that needs a more effective organisational response. In order to manage health issues more effectively in a globalised world, health governance requires a fundamental transformation of the understanding of national sovereignty. As Richard Dodgson and Kelley Lee have argued, there is a need to ‘deterritorialise health ... by going beyond the primary focus on the state’.¹⁵

This post-Westphalian global health governance seeks to promote human health by the collective action of providing global public goods for health. Strictly speaking,

Journal of International Affairs, Vol. 58, No. 1, 2004, pp. 17-32; Gwyn Prins, ‘AIDS and Global Security’, *International Affairs*, Vol. 80, No. 5, 2004, pp. 931-952; Stefan Elbe, ‘Should HIV/AIDS Be Securitized? The Ethical Dilemmas of Linking HIV/AIDS and Security’, *International Studies Quarterly*, Vol. 50, No. 1, 2006, pp. 119-144; Colin McInnes and Kelley Lee, ‘Health, Security and Foreign Policy’, *Review of International Studies*, Vol. 32, No. 1, 2006, pp. 5-23; Joseph S. Doyle, ‘An International Public Health Crisis: Can Global Institutions Respond Effectively to HIV/AIDS?’ *Australian Journal of International Affairs*, Vol. 60, No. 3, 2006, pp. 400-411. The March 2006 edition of *International Affairs* is devoted to the study of HIV/AIDS; Nana K. Poku, Alan Whiteside and Bjong Sandkjær (eds), *AIDS and Governance* (Aldershot: Ashgate, 2007); Robert L. Ostergard, Jr., *HIV/AIDS and the Threat to National and International Security* (Basingstoke: Palgrave Macmillan, 2007); Hakan Seckinelgin, *International Politics of HIV/AIDS: Global Disease, Local Pain* (Abingdon: Routledge, 2007); Wolfgang Hein, Sonja Bartsch and Lars Kohlmorgen (eds), *Global Health Governance and the Fight Against HIV/AIDS* (Basingstoke: Palgrave Macmillan, 2007); Wolfgang Hein and Lars Kohlmorgen, ‘Global Health Governance: Conflicts on Global Social Rights’, *Global Social Policy*, Vol. 8, No. 1, 2008, pp. 80-108; and Sara E. Davies, ‘Securitizing Infectious Disease’, *International Affairs*, Vol. 84, No. 2, 2008, pp. 295-313.

¹³ Fidler, *SARS, Governance and the Globalisation of Disease*; and Alvin So and Pun Ngai (eds), ‘Special Issue on Globalisation and SARS in Chinese Societies,’ *Asian Perspective*, Vol. 28, No. 1, 2004.

¹⁴ Fidler, *SARS, Governance and the Globalisation of Disease*, pp. 7-8.

¹⁵ Richard Dodgson and Kelley Lee, ‘Global Health Governance: A Conceptual Review’, in Rorden Wilkinson and Steve Hughes (eds), *Global Governance: Critical Perspectives* (London: Routledge, 2002), p. 99.

health *per se* is not a public good, but the benefits of prevention or containment of infectious diseases are both non-rivalrous (i.e. letting nonpayers enjoy the benefits creates no cost to the payers) and non-excludable (i.e. it is difficult to exclude nonpayers from the benefits, once the good is provided). With these distinctive characteristics, the prevention and containment of infectious diseases can be considered a global public good.¹⁶ Conversely, any belated response or negligence in the prevention and containment of infectious diseases can be deemed to be a global public bad.

Global health governance is premised on the taking of collective action by a range of actors with the aim of tackling transnational health problems, and promoting and protecting the health of populations through the making and implementation of global norms and rules. It needs to ‘recognize and give meaningful participation of a greater plurality of interests to capture both the territorial and supraterritorial features of global health issues’.¹⁷ The state should not be the only actor but rather part of a wider network that includes non-state actors, including international and local NGOs, corporations, private foundations and individual activists. Infectious diseases can only be contained and defeated by state and non-state actors cooperating with each other and responding promptly and decisively to any outbreaks. However, the thorny issue is whether or not states are willing to relax their grip on the conventional understanding of national sovereignty and cooperate with diverse actors, including other states and non-state actors, in dealing with the borderless infectious diseases through multilateral cooperation and participation in global health governance.

Since the end of the Cold War, scholars from the West have been pondering the need to transform Westphalian ‘international’ politics to post-Westphalian ‘global’ governance (I will provide a detailed account of this analysis in Chapter 2). They try to reconceptualise the conventional understanding of national sovereignty and re-

¹⁶ David Woodward and Richard D. Smith, ‘Global Public Goods and Health: Concepts and Issues’, in Richard D. Smith, Robert Beaglehole, David Woodward, and Nick Drager (eds), *Global Public Goods for Health: Health Economic and Public Health Perspectives* (Oxford: Oxford University Press, 2003), pp. 10-13; and Mark W. Zacher, ‘Global Epidemiological Surveillance: International Cooperation to Monitor Infectious Diseases’, in Kaul, Grunberg, and Stern, *Global Public Goods*, pp. 268-269.

¹⁷ Dodgson and Lee, ‘Global Health Governance,’ p. 100.

interpret the principal component of value-diplomacy as good governance. In addition, the significance of non-state actors in managing global affairs has also come to attention since the early 1990. It is widely believed that the nation-state is no longer the only actor in global politics.

Why China's Public Health?¹⁸

As a rising power and the most populous country, China has influenced, in a greater or lesser degree, various spheres or areas of global interactions on the world stage. There are four reasons for investigating China's public health: (a) the escalating tension between China's traditional Westphalian concept of world order and the demand for post-Westphalian health governance; (b) a general neglect of China's health governance in the discipline of International Relations; (c) international scepticism of the true situation of China's public health; and (d) China's ailing healthcare system.

China's Traditional State-Centrism

Traditionally China has perceived public health simply as a domestic social issue and has played down its international implications. Its initial response to the SARS outbreak between late 2002 and early 2003 resonated well with the Westphalian concept of handling public health issues. Although China has stepped up its integration with the rest of the world since the 1980s, it still steadfastly resists any international intervention in its domestic affairs. The determined exclusion of Taiwan from the WHO exemplifies China's position on the principle of national sovereignty or supreme power over people and territory. Since 1972, Taiwan has been excluded from the World Health Assembly – the policymaking body of the WHO – due to the 'one China' policy and political pressure from Beijing. So far Taiwan's annual

¹⁸ This section draws and elaborates on Lai-Ha Chan, *The Evolution of Health Governance in China: A Case Study of HIV/AIDS*. Griffith Asia Institute Regional Outlook No. 8 (Brisbane: Griffith Asia Institute, 2006); and Lai-Ha Chan, Pak K. Lee and Gerald Chan, 'China Engages Global Health Governance: Processes and Dilemmas', *Global Public Health*, Vol. 4, No. 1, 2009 (forthcoming).

attempts to join the World Health Assembly as an observer have failed since 1997.¹⁹ The SARS outbreak in 2003 raised a concern, particularly from the perspective of Taiwan, about political intervention in providing global public goods for health.

While China has modified its approach to health governance and increased rapidly its participation in the global health regime since the SARS outbreak, its health governance as well as conceptualisation of global health governance have remained largely 'state-led'. The country has been seriously criticised for its maladministration of the HIV/AIDS epidemic and the SARS outbreak and for its lack of commitment towards global health governance. One of the challenges facing China is how to accommodate the demands for post-Westphalian health governance while upholding its state-centrism. Whether or not China will relax its stance on sovereignty in its participation in global health governance is worth examining.

General Neglect of China's Health Governance in International Relations

Over the past decade, there have been a growing number of studies about China's external behaviour and its involvement with international institutions. The majority of these studies focus on its participation in United Nations (UN) peacekeeping missions,²⁰ arms control,²¹ regional security,²² human rights,²³ and international

¹⁹ 'Taiwan's Bid to Join WHO Rejected', *China Daily*, 23 May 2006.

²⁰ Samuel S. Kim, 'China and the United Nations' in Elizabeth Economy and Michel Oksenberg (eds), *China Joins the World: Progress and Prospects* (New York: Council on Foreign Relations Press, 1999), pp. 42-89.

²¹ Michael Swaine and Ashley Tellis, *Interpreting China's Grand Strategy: Past, Present and Future* (Santa Monica, CA: RAND, 2000); Alastair Iain Johnston, 'Learning Versus Adaptation: Explaining Change in Chinese Arms Control Policy in the 1980s and 1990s', *China Journal*, No. 35, 1996, pp. 27-61; and Wendy Frieman, *China, Arms Control, and Nonproliferation* (London: RoutledgeCurzon, 2004).

²² David Shambaugh, 'China Engages Asia: Reshaping the Regional Order', *International Security*, Vol. 29, No. 3, Winter 2004/05; Avery Goldstein, *Rising to the Challenge: China's Grand Strategy and International Security* (Stanford, CA: Stanford University Press, 2005); Bates Gill, *Rising Star: China's New Security Diplomacy* (Washington DC: Brookings Institution Press, 2007).

finance and trade.²⁴ There are also studies which examine the domestic and international aspects of China's environmental governance²⁵ and its environmental woes.²⁶ Research on China's health issues is either narrowly limited to taking an anthropological approach or focused on its internal health problems.²⁷ There is a general neglect in the International-Relations scholarship of health governance in China as well as its participation in global health governance.²⁸ As a consequence,

²³ Ann Kent, *China, the United Nations, and Human Rights: the Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999); and idem, *Beyond Compliance: China, International Organisations, and Global Security* (Stanford, CA: Stanford University Press, 2007). In the second book, *Beyond Compliance*, Kent also looks at China's evolving role in international organisations in the areas of disarmament, international finance and the environment, apart from human rights issues.

²⁴ Gerald Chan, 'China and the WTO: the Theory and Practice of Compliance', *International Relations of the Asia-Pacific*, Vol. 4, No. 1, 2004, pp. 47-72; Gerald Chan, *China's Compliance in Global Affairs: Trade, Arms Control, Environmental Protection, Human Rights* (Singapore: World Scientific, 2006); and Margaret M. Pearson, 'China and the Norms of the Global Economic Regime', *China Studies*, No. 6, 2000, pp. 147-172. The issues of peacekeeping, arms control, human rights, and international finance and trade were also dealt with in Economy and Oksenberg, *China Joins the World*.

²⁵ Elizabeth Economy, *The River Runs Back: The Environmental Challenge to China's Future* (Ithaca: Cornell University Press, 2004); Katherine Morton, *International Aid and China's Environment: Taming the Yellow Dragon* (London: Routledge, 2005); and Gerald Chan, Pak K. Lee and Lai-Ha Chan, 'China's Environmental Governance: The Domestic-International Nexus', *Third World Quarterly*, Vol. 29, No. 2, 2008, pp. 291-314.

²⁶ 'China's Limits to Growth: Greening State and Society', *Development and Change*, Vol. 37, No. 1, 2006 (special issue); and Liu Jianguo and Jared Diamond, 'China's Environment in a Globalizing World: How China and the Rest of the World Affect Each Other', *Nature*, 30 June 2005, pp. 1179-1186.

²⁷ Sandra Teresa Hyde, *Eating Spring Rice: The Cultural Politics of AIDS in Southeast China* (Berkeley, CA: University of California Press, 2007); Karl Taro Greenfeld, *China Syndrome: The True Story of the 21st Century's First Great Epidemic* (London: Penguin Books, 2006); Joan Kaufman, Arthur Kleinman, and Tony Saich (eds), *AIDS and Social Policy in China* (Cambridge, MA: Harvard University Asia Center, 2006); Drew Thompson, 'Pre-empting an HIV/AIDS Disaster in China', *Seton Hall Journal of Diplomacy and International Relations*, Vol. 4, No. 2, Summer/Fall 2003, pp. 29-44; and Jing Gu and Neil Renwick, 'China's fight Against HIV/AIDS'.

²⁸ Ann Kent has addressed, among others, the effect of China's health governance in relation to its membership in the World Health Organization in her article 'China's Growth Treadmill: Globalisation, Human Rights and International Relations', *The Review of International Affairs*, Vol. 3, No. 4, 2004, pp. 524-543 and in her *Beyond Compliance* (2007).

such crucial issues as the extent of China's involvement in global health governance²⁹ and the consequences of such involvement for China as well as the world are under-assessed. This thesis argues that a careful analysis of China's record of compliance and non-compliance with the global health regime can help to increase our understanding of its role in the international community and the processes and dilemmas of its international engagement. More importantly, what are the ramifications of China's engagement for the international order? To seek an answer to this question, one has to study China's preferences for the world order.

Transition such preferences are, for example, revealed in China's Africa policies over time. Since the Bandung Conference in 1955, China and Africa have established a long-standing strategic partnership. Much has been said about China's relations with Africa as well as its quest for natural resources in the continent.³⁰ However, little attention has been paid to its role in Africa's HIV/AIDS crisis.³¹ One of the case studies in this thesis is to look at the extent of China's contribution to solving the HIV/AIDS crisis in Africa. By investigating China's position on generic drugs, it is going to examine to what extent China is acting as a responsible great power to protect and promote the interests of developing countries.

²⁹ Rowan Hague, a PhD student at the University of New South Wales in Australia, assesses the impact of the global AIDS regime on China's domestic governance of HIV/AIDS. While she put her focus on the extent of China's compliance in solving its AIDS problem, my research differs from hers in two areas. First, I will not only investigate China's domestic governance but will also go beyond China's borders and examine its contribution to the AIDS crisis on the African continent. Second and more importantly, by investigating China's record of compliance and non-compliance with international health regime, this research aims to explain and evaluate China's evolving global role and its intentions in global governance as well as its aspiration towards the international order.

³⁰ Chris Alden, Daniel Large and Ricardo Soares de Oliverira (eds), *China Returns to Africa: A Superpower and a Continent Embrace* (London: Hurst & Company, 2008); Chris Alden, *China in Africa* (London and New York: Zed Books, 2007); and Ian Taylor, *China and Africa: Engagement and Compromise* (London and New York: Routledge, 2006).

³¹ For a brief and judicious account, see Drew Thompson, "China's Soft Power in Africa: from the 'Beijing Consensus' to Health Diplomacy", *China Brief*, Vol. 5, No. 21, 13 October 2005.

Critical International Concerns over China's Health Situation

The three large-scale outbreaks of pandemic viruses in the 20th century – the 1918 Spanish influenza, the 1956 Asian influenza and the 1968 Hong Kong influenza – were widely believed to have originated in Asia.³² The 1918 influenza pandemic killed more than 20 million people worldwide. The 1956 and 1968 influenza originated in southern China and ultimately spread across the globe and killed two to five million people worldwide.³³ A group of flu researchers led by Derek Smith of the University of Cambridge in the United Kingdom published their report in the journal, *Science*, in April 2008. The report argues that the tropical rainy climate of East and Southeast Asia, China included, provides fertile ground for the growth of most new strains of seasonal influenza virus (H3N2). Following the evolution of a new strain, the virus would take a largely predictable route to Australia and the Pacific islands before heading to West Asia, Africa, Europe and North America before finally arriving in South America.³⁴ The report not only charts the global journey of the influenza virus but more importantly also affirms that strengthening surveillance in East and Southeast Asia is crucial to the global campaign to rein in the spread of the virus.

³² The exact origin of the 1918 Spanish influenza is under debate. Some scientists believe that it originated in Guangdong, China. See Anne McIlroy, '1918 Redux? SARS shares many frightening similarities with the Spanish flu pandemic that killed 20 million around the world', *The Globe and Mail*, 5 April 2003.

³³ James Ricci, 'Avian Flu in the Asia-Pacific: Changing the Conception of National Security', *An Avian Flu Pandemic: What Would It Mean, and What Can We Do?* (Seattle, WA: Pacific Health Emerging Infections/Pandemics Workgroup, The National Bureau of Asian Research, June 2006), p. 4.

³⁴ Colin A. Russell, Terry C. Jones, Ian G. Barr, Nancy J. Cox, Rebecca J. Garten, Vicky Gregory, Ian D. Gust, Alan W. Hampson, Alan J. Hay, Aeron C. Hurt, Jan C. de Jong, Anne Kelso, Alexander I. Klimov, Tsutomu Kageyama, Naomi Komadina, Alan S. Lapedes, Yi P. Lin, Ana Mosterin, Masatsugu Obuchi, Takato Odagiri, Albert D. M. E. Osterhaus, Guus F. Rimmelzwaan, Michael W. Shaw, Eugene Skepner, Klaus Stohr, Masato Tashiro, Ron A. M. Fouchier, Derek J. Smith, 'The Global Circulation of Seasonal Influenza A (H3N2) Viruses', *Science*, No. 320, 2008, pp. 340-346; David Brown, 'Researchers Chart Flu's Global Journey', *Washington Post*, 17 April 2008; and 'Most Strains Originate in Asia, Studies Find', *American Health Line*, 17 April 2008.

More recently, SARS, the first severe global epidemic of the 21st century, also first appeared in Guangdong, China. From its emergence in November 2002 in the province the disease sped swiftly along air routes of the globalised world. Owing to China's denial and concealment in the first several months, SARS rapidly spread around the world and led to panic across countries.³⁵ The Chinese government, particularly its Ministry of Health and Guangdong officials, initially downplayed the severity of the disease and suppressed the release of information about the outbreak while the virus spread out from southern China to other provinces in China as well as overseas countries. China's belated response, and particularly its obstruction of the entry of WHO assessment teams into China for investigation of the source of the virus in early 2003, was severely criticised by the international community. Not until more than 300 people had died with more than 5,000 cases of infection in nearly thirty countries and the real situation inside Beijing had been exposed by *Time* magazine in April 2003, did China's strategy of handling the outbreak shift dramatically.³⁶ In a Politburo meeting on 17 April 2003, the new leadership of Hu Jintao and Wen Jiabao announced its heightened determination to fighting the disease. At a press conference three days later, the Chinese government admitted that confirmed cases of SARS in Beijing were nine times higher than the day before. In order to restore its credibility, China swiftly removed Health Minister Zhang Wenkang and Beijing's Mayor Meng Xuenong for negligence in dealing with the crisis. WHO teams were also granted access to Beijing, Guangdong, and other places in China to investigate the pandemic of this atypical pneumonia.³⁷

The recent delay in reporting the outbreak of enterovirus 71 or EV-71 has further triggered scepticism of China's health situation. The outbreak of EV-71, an intestinal virus, started spreading in the city of Fuyang in Anhui province in early March 2008. However, it was not until the end of April, more than 40 days later, that the local government announced the outbreak. According to Xinhua News Agency, as of 12

³⁵ Thomas Abraham, *Twenty-first Century Plague: The Story of SARS* (Baltimore, ML: Johns Hopkins University Press, 2005), pp.1-2.

³⁶ Karl Taro Greenfeld, 'The Virus Hunters', *Foreign Policy*, March/April 2006, pp. 42-55.

³⁷ William Chiu and Veronica Galbraith, 'Calendar of Events', in Christine Loh and Civic Exchange (eds), *At the Epicentre: Hong Kong and the SARS Outbreak* (Hong Kong: Hong Kong University Press, 2004), p. xxii.

May 2008 the virus had infected up to 27,499 people in China and a total of 34 children had been killed.³⁸ The hardest hit area is Fuyang where there had been 22 deaths and thousands of infections.³⁹ This belated confirmation from the government has once again drawn widespread attention to China's shaky public health system and local officials' attempts to cover up the outbreak.⁴⁰ In the face of international scepticism and criticism, officials of the Ministry of Health in Beijing denied any deliberate cover-up. If there was any belated response, it was more likely related to 'the technical capacity of the local health workers' as 'they don't know about this disease'.⁴¹ Ten medical doctors in Anhui were punished for misconduct in handling the disease.⁴² The *China Daily*, an official English-language newspaper, also chastised the local government for its sluggish response and their 'business-as-usual attitude'.⁴³ It is still uncertain whether the EV-71 outbreak resembles the SARS epidemic in 2003. However, some have already named it 'baby SARS'.⁴⁴

In a nutshell, due to China's non-transparency in releasing information on contagious diseases, the international community treats China's health reports with much doubt. Some even suspect that SARS would be a prelude to another even more dangerous pandemic from China.⁴⁵ Whether China's impulse to be more proactive in handling communicable diseases after the devastating SARS outbreak was driven by its

³⁸ 'HFMD Outbreaks Draw Concerns in Asian Countries, Experts Say No Need for Panic', *Xinhua News*, 12 May 2008; available at http://news.xinhuanet.com/english/2008-05/11/content_8147675.htm (accessed 12 May 2008).

³⁹ 'Viral Outbreak in Worst-hit City Under Control – Ministry', *China Daily*, 12 May 2008.

⁴⁰ Nicholas Zamiska, 'Viral Outbreak in China Catches Who's Attention', *The Wall Street Journal Asia*, 28 April 2008; and 'Deadly Virus Spreads in China', *The Australian*, 30 April 2008.

⁴¹ Quoted in Nicholas Zamiska, 'Virus in China Highlights an Old Problem', *The Wall Street Journal*, 5 May 2008.

⁴² 'Better Safe Than Sorry – China's Latest Virus', *The Economist*, 10 May 2008.

⁴³ 'Tragic Costs of Delay', *China Daily*, 29 April 2008, available at http://www.chinadaily.com.cn/china/2008-04/29/content_6650696.htm (accessed 4 May 2008); and Andrew Jacobs, 'Virus Kills 22 Children in Eastern China', *The New York Times*, 3 May 2008.

⁴⁴ Nicholas Zamiska, 'Viral Outbreak in China Catches Who's Attention', *The Wall Street Journal Asia*, 28 April 2008.

⁴⁵ See Arthur Kleinman and James L. Watson (eds), *SARS in China: Prelude to Pandemic?* (Stanford, CA: Stanford University Press, 2006).

commitment to providing public goods for health or was meant as a gesture to remedy its tarnished international reputation or was a response to its domestic dangers or a combination of all of these, is still a matter of guesswork. However, if we do not want history to repeat itself, SARS may serve as a wake-up call for policy-makers as well as academia to pay more attention to China's health governance. As Arthur Kleinman and James Watson claim, 'SARS need not be the prelude to something far worse if governments and public health agencies learn from the events of 2003'.⁴⁶ To avert another outbreak of a health disaster, we need to understand the processes, dilemmas and opportunities of China's engagement with global health governance.

China's Ailing Healthcare System

During Mao's post-1949 era, China's healthcare system was comparatively more equitable and effective than it is now, with a provision of basic medical care for all. Its healthcare system was often praised as a model for the Third World. However, Deng's economic reforms, beginning in the late 1970s, have brought a drastic change to the once government-subsidised healthcare system. While in many market economies, such as those in Western Europe, Canada, and Australia, the government plays a key role in providing their citizens with health services, China's economic reforms have given rise to a rapid shift from a publicly-funded healthcare system to a market-oriented one, with the state playing a diminishing role in financing growing medical costs. Hospitals are required to be increasingly self-reliant. In the course of the economic reforms, the Chinese government has placed economic development at the top of its policy agenda. For the Chinese leadership, economic growth is the principal yardstick against which to measure national development and the performance of local officials. Although they have been aware of the side effects of development on society, such as environmental degradation, social injustice and deteriorating public health, they do not perceive that these problems could have adverse effects on economic growth. They rather believe that continuous economic growth will automatically resolve all problems encountered in the process of

⁴⁶ Quoted in Kleinman and Watson, *SARS in China*, p. 1.

development.⁴⁷ In addition, in order to accelerate economic growth, the government has allocated the bulk of its resources to promoting economic growth at the detriment of social infrastructure. Anything which is thought likely to undermine economic development is deemed undesirable and unacceptable. As a result, public health has only been accorded a relatively low priority in the government's national development plan.

Accordingly, China's public health system has gradually switched to a user-pay health system, an essentially market-oriented system, since the early 1980s. While it is true that scientific and medical skills have improved as a result of the reforms, overall, China's medical reforms have been a failure in terms of public access to medical care. In many rural areas, public health services have almost collapsed. The reforms have raised three serious challenges for China's public health system.

First, China's user-pay medical services have led to wide disparities in resource allocation. These disparities in health and medical services have become much larger than those in the Mao era. Health resources have become concentrated in urban areas, especially in the hospitals of large and medium-sized cities in the east. Apart from disparity across regions, differential access to medical services has also been observed among income groups. Both income inequality among different areas in China and diminishing financial resources available for local governments have accounted for enormous variation in the provision of public goods and services.⁴⁸ Contrary to the nature of public health services, people's rights to basic health services are no longer guaranteed. Poor people are less likely to get access to medical services or the modern healthcare system. As a consequence, China's public health system has sadly degenerated into one of the most backward in the world. In a world health report entitled 'Health Systems: Improving Performance', published by the World Health Organisation in 2000, China's healthcare system was rated poorly. Once an admired

⁴⁷ Wang Shaoguang, 'Public health system needs overhaul', *China Daily*, 18 July 2003.

⁴⁸ Tony Saich, *Governance and Politics of China* (Basingstoke: Palgrave Macmillan, 2004), pp. 291-293.

model for developing countries, it was ranked 188th on the dimension of fairness of financial contribution.⁴⁹

Second, under the planned economy, budgetary appropriations from the government were the only legal payment hospitals and health centres could receive. With market-oriented reform and shrinking state finance, the healthcare system has moved towards a self-reliant 'management responsibility system'. However, hospitals are not allowed to raise medical services fees to cover the rising costs of medical care. This offers health providers strong incentives to refuse patients who are too poor to pay the bills or to meet the shortfall of funds by over-prescribing drugs and medical services to patients, particularly those working in the state sector.⁵⁰ Owing to distorted financial incentives, it is commonplace that many unnecessary prescriptions and surgeries have been recommended by hospitals or health centres.⁵¹ Some hospitals focus on purchasing lucrative hi-tech medical equipment but pay scant attention to the delivery of basic health care. Rural doctors are inclined to prescribe patients more drugs than required in order to make profits from selling drugs.⁵² It has been argued that one of

⁴⁹ The World Health Organisation, available at http://www.who.int/whr/2000/en/annex01_en.pdf (accessed 5 March 2006).

⁵⁰ World Bank, *China's Health Sector – Why Reform is Needed* (World Bank Rural Health in China: Briefing Notes Series, Briefing Notes No. 3) (Washington DC: World Bank, 2005), p.5; June Teufel Dreyer, *China's Political System: Modernization and Tradition* (New York: Longman, 2008), pp. 235-242; Medicine sales accounted for 43% of hospital revenue in 2004; see 'Medicine in China: Gouged', *The Economist*, 19 November 2005, Internet Edition.

⁵¹ A study by Li Ling, an economics professor at Peking University, found that on average 50% of babies born in Chinese hospitals – up to 70% in some hospitals – were delivered by cesarean sections, while the figure was less than 10% before 1978. The major reason for this change was that cesarean sections are treated as surgical procedures which allow hospitals and doctors to issue higher medical bills than natural births. See David Lague, 'Chinese Health Care under Fire: Criticism, Surprisingly Harsh and Public, Signals Acute Crisis', *International Herald Tribune*, 20 August 2005, Internet edition.

⁵² Zhang Xiang et al, 'Pinkun diqu xiangzhen weishengyuan chufang zhiliang fenxi' (An Analysis of the Quality of Prescription of Township Hospitals in Poor Areas), *Zhongguo nongcun weisheng shiyeguanli (Journal of China's Rural Health Service Management)*, Vol. 23, No. 12, December 2003, pp. 33-35.

the side-effects of this over-prescription is the increasing likelihood of drug resistance in rural areas.⁵³

Third, the present health system is by and large an emergency system. It has failed to form an effective regular system that would include such measures as the prevention and treatment of contagious diseases.⁵⁴ With the implementation of the ‘management responsibility system’, there has been a shift of emphasis in hospitals from preventive care facilities to those that can make a profit. Many anti-epidemic stations and preventive care institutions were shrunk accordingly.⁵⁵ As a consequence, some infectious diseases, such as tuberculosis and schistosomiasis, have resurfaced in rural areas.⁵⁶ The deficiencies and weaknesses of China’s ailing public health system were exposed in controlling emerging infectious diseases. Hepatitis, tuberculosis, HIV/AIDS, SARS and avian flu are cases in point. It has been argued that China is now facing a significant health security challenge and that security threats are largely domestic in nature.⁵⁷

The Chinese Academy of Social Sciences published in May 2006 a report entitled *Zhongguo yiliao weisheng fazhan baogao*, commonly known as *The Health Care Green Book*. It explicitly attributes the sorry-state of the country’s public health

⁵³ Colin Mackerras, Pradeep Taneja, and Graham Young, *China Since 1978: Reform, Modernisation and ‘Socialism with Chinese Characteristics’* (New York: St. Martin’s Press, 1993), p. 183.

⁵⁴ An unofficial English summary of the ‘Ministry of Health Report on China’s Healthcare System and Reform’, *China AIDS Survey*, available at www.casy.org/Chindoc/MOH_report_0805.htm (accessed 12 January 2006).

⁵⁵ For example, the proportion of spending on preventive care by the government dropped from 23% in 1978 to 18% in 1994. See Hu Shanlian and Jiang Minghe, ‘The People’s Republic of China’, in Douglas H. Brooks and Myo Thant (eds), *Social Sector Issues in Transitional Economics of Asia* (Hong Kong: Oxford University Press, 1998), p. 192.

⁵⁶ Accordingly, 842,525 people had schistosomiasis (also known as snail fever) in China in 2004 and an estimated 30 million were at risk. See ‘2005 nian Zhongguo weisheng tongji diyao’ (2005 China’s Public Health Statistic Summary), Ministry of Health, People’s Republic of China, available at www.moh.gov.cn (accessed 1 March 2006); and Jim Yardley, ‘A Deadly Fever, Once Defeated, Lurks in a Chinese Lake’, *The New York Times*, 22 February 2005, Internet edition.

⁵⁷ Andrew Thompson, ‘International Security Challenges Posed by HIV/AIDS: Implications for China’, *China: An International Journal*, Vol. 2, No. 2, September 2004, p. 295.

system to the dearth of government financial support. The report says that the government bears primary responsibility for this failure.⁵⁸ International scholars also attribute China's failure to control SARS in 2003 to China's economic liberalisation and the associated collapse of the Maoist healthcare system.⁵⁹ Until 2005 there were only around 200 Chinese doctors with the knowledge to diagnose and treat HIV/AIDS patients effectively.⁶⁰ An earlier report about the HIV/AIDS situation in China from the Center for Strategic and International Studies (CSIS) of the US, published in 2003, bluntly stated that 'training, technical assistance, and well-targeted financial support across a range of disciplines – epidemiological, medical, scientific, educational – are sorely needed at national, provincial, and local levels ...'⁶¹

More seriously, market-focused concerns about tarnishing China's image among overseas business and tourists have made local officials reluctant to disclose any information about outbreaks of disease in their localities. They fret about the negative impact of revelations in their areas. Particularly fearful of scaring foreign investors and tourists, they often try their best to cover up problems. Those brave and defiant enough to expose the truth about infectious diseases have often been scolded for being unpatriotic and 'anti-government'. It often takes a while for information about local areas to reach the central government or other parts of the country.

In summary, it can be claimed that China's healthcare system in the Dengist reform era is one of the most 'liberal' and decentralised health systems in the world in contrast to the authoritarian top-down political system of the Mao era. However, this

⁵⁸ Du Lexun, Zhang Wenming and Huang Zemin (eds), *Zhongguo yiliao weisheng fazhan baogao No. 2 (Report on China's Medical Health Care Development No.2)* (Beijing: Shehui kexue wenxian chubanshe, 2006), available at <http://www.china.com.cn/chinese/health/zhuanti/ylws/1224175.htm> (accessed on 17 July 2006).

⁵⁹ Jonathan Schwartz, R. Gregory Evans and Sarah Greenberg, 'Evolution of Health Provision in Pre-SARS China: The Changing Nature of Disease Prevention', *The China Review*, Vol. 7, No. 1, 2007, pp. 81-104.

⁶⁰ 'Database to be Set up on AIDS Victims', *South China Morning Post*, 21 March 2005; and 'China Plans Database of HIV/AIDS Victims', *China Daily*, 21 March 2005.

⁶¹ J. Stephen Morrison and Bates Gill, *Averting a Full-Blown HIV/AIDS Epidemic in China: A Report of the CSIS HIV/AIDS Delegation to China, January 13-17 2003* (Washington DC: CSIS, 2003), p. 8.

'liberal' health system has demonstrated its deficiencies and weaknesses in controlling emerging infectious diseases during the SARS outbreak. In light of the fact that the incidence of HIV/AIDS in China shows no signs of slowing,⁶² what is at issue is whether and how China's ailing healthcare system assumes responsibility for safeguarding the basic health rights of its citizens and provide health public goods to them as well as to the global community.

Hypothesis and Methodology

As developed fully in Chapter 2, different schools in the discipline of International Relations, such as critical theory, the English School and realism, hold somewhat similar views about power relations between a rising dissatisfied power and the prevailing predominant powers. They argue that a sense of deprivation towards the dominant order on the part of the rising power will likely prompt the dissatisfied rising power to use a revolutionary foreign policy to alter the existing governing structure. A hypothesis about the observed contradiction between China's rhetoric and practice in its involvement in global governance and its changing policy towards HIV/AIDS will be tested through the analysis in the chapters that follow. According to different schools' descriptions of power relations, with a sense of deprivation towards the liberal international order, China's ascendancy is supposed to lead this rising power to behave as a discontented system-transformer. However, evidence shows that China is acting rather as a status quo power or a 'responsible stakeholder' towards the liberal democratic order in its increased engagement with the global health regime. By studying the power relationship between a rising dissatisfied power and predominant powers, the hypothesis of this study is that China's foreign behaviour is shaped by the growing economic interdependence between it and the West, the limits of its soft power, and China's strong desire to earn recognition and

⁶² According to a recent AIDS report published by UNAIDS in July 2008, while the epidemic is stabilising globally and the rate of new HIV infections even shows signs of declining in several countries, however, China is one of the eight countries in the world where the rates of infection continue rising. See 'Progress Made in HIV Prevention', *BBC News*, 29 July 2008; and UNAIDS, *2008 Report on the Global AIDS Epidemic* (Geneva: UNAIDS, July 2008); available at http://www.unaids.org/en/KnowledgeCentre/HIVData/GlobalReport/2008/2008_Global_report.asp (accessed 2 August 2008).

respect by established great powers in the international society. As a result, it has no intention of seeking a fundamental revision of the international structure. To put it differently, China does not perceive that a quest for material power is of paramount importance to the country. Rather it is, as argued by Yong Deng, struggling for a legitimate international status.⁶³

The methodology selected for this study is developed from the hypothesis set up above and the evidence available. Based on literature reviews and in-depth interviews with International Relations specialists, health officials and representatives of NGOs in Beijing, this research can be considered one of the first comprehensive studies of the role and nature of China's engagement with global health governance and the relationship between this engagement and its aspiration towards world order. Through the lens of public health – more specifically the management of the HIV/AIDS epidemic, it serves as a window for understanding China's evolving global role and its intentions for global governance. It aims to make a number of contributions to the academic study of global (health) governance, China's foreign relations as well as the evolving global order. First, international Relations specialists are pondering how China's ascendancy will affect regional and global order. This study will be of relevance not only to China scholars and watchers alone but also to those who are concerned with the evolving global order. Will China act as a challenger to or as a defender of the evolving liberal international order? Second, this study will provide insights into the genuine extent to which China, as a rising power due to its rapid economic growth, is engaging with the outside world. An in-depth investigation into China's role in global health governance may help us better understand the role that it is likely to play in other crucial policy areas. To what extent and why does China comply or not comply with international rules and norms? Third, how will China respond to the burgeoning demand for post-Westphalian governance and good governance in a wide range of issues, including public health, in the era of globalisation? Will it modify its understanding of national sovereignty in order to be able to provide global public goods for health in a more effective way?

⁶³ Yong Deng, *China's Struggle for Status: The Realignment of International Relations* (Cambridge: Cambridge University Press, 2008).

This study first examines China's compliance and non-compliance with international rules and norms embedded in the global health regime. From the Chinese perspective, sovereignty is of paramount importance since the establishment of the PRC in 1949. China has steadfastly resisted any international intervention into its domestic affairs. It brooks no toleration of any act to infringe on its national sovereignty, as evidenced by its responses to external accusations of its human rights violations, Tibet and Taiwan issues. However, globalisation has forced China to deepen its engagement with the outside world. In order to successfully combat its domestic HIV/AIDS problem, China has involved a multitude of actors in fighting against the disease inside the country. Drawing in a multiplicity of actors to combat the disease will inevitably internationalise the issue. International involvement would likely breed the growth of domestic NGOs, which potentially attenuate the supremacy of the Chinese Communist Party in ruling the country or erode the autonomy of the state. Why is China still willing to increase its cooperation with various actors outside and inside the country? Is China's response to the AIDS pandemic at the domestic level due to its willingness to protect its citizens or is it just an instrumental response to its domestic crisis and international pressure? Through an empirical investigation into China's fight against HIV/AIDS, this study provides an in-depth explanation into the nature of the Chinese government's response to the AIDS pandemic within its borders.

The second level of this study moves from the focus on compliance and non-compliance to an examination of China's increasing demand for a greater say in managing global affairs and its impact on global governance. Traditionally the Chinese have been taught in their study of China's modern history that they owe little to the outside world. Instead, it is the West that owes China a debt.⁶⁴ With little sense of responsibility to the rest of the world, China does not concede that it is a principal source of global problems. Rather, China's sense of global responsibility comes principally from its self-perception of its growing capacity. In the mid-1990s China began to make it be known its aspiration to become a responsible great power (*fu zeren de daguo*) or a responsible developing great power (*fu zeren de fazhan zhong*

⁶⁴ Gerald Chan, 'Power and Responsibility in China's International Relations,' in Yongjin Zhang and Greg Austin (eds), *Power and Responsibility in Chinese Foreign Policy* (Canberra: Asia Pacific Press, 2001), pp. 48-68.

daguo). China claims that its comprehensive national power is rising as a consequence of its successful economic reforms, and that it is the only non-Western, Third World power among the five permanent members of the UN Security Council.⁶⁵ With increasing power, China is able to contribute to the alleviation of the global problems that have long plagued the developing world. While participating in global governance, China blames the norms and rules underpinning global governance for favouring the predominant powers disproportionately and criticises the established international order for being biased against the legitimate interests of the developing world. Against the claims that China is a ‘responsible developing great power’ and ‘will protect the benefit of all developing countries’, one may ask: What is the role of China in its alliance with the Third World with regard to combating HIV/AIDS? How will the Chinese government put its rhetoric of acting as a ‘responsible’ great power into practice to contribute to controlling the pandemic in Africa? Will an offer of assistance to the ailing victims in Africa be part of China’s strategy for improving its international status? A detailed study of China’s role in the African AIDS crisis is required to reveal what the slogan actually means on the ground.

It is true that China is now more proactive in playing a leading role on the world stage. With growing economic, political and normative clout, China’s active multilateral cooperation in the international arena can also help China to gain normative power. The US, the world’s dominant power, is now non-committal about multilateralism. It has been trying to evade its responsibility as the principal provider of global public goods. While the great powers of the 21st century share some common interests, particularly in providing public goods for health in a globalised era, will they collaborate in the form of a ‘concert of powers’ to sustain international order? If Washington is disinterested in multilateral cooperation, will and can China replace the US as the leader in the emerging world order? What are China’s preferences for the world order and what role is it playing in the existing world?

In order to have a deep understanding of China’s foreign behaviour, both empirical

⁶⁵ Pang Zhongying (2002), “‘Shijie daguo’ yu ‘zhengchang guojia’” (‘Global Great Power’ and ‘Normal State’), *Shijie jingji yu zhengzhi (World Economy and Politics)*, No. 11, pp. 12-16.

assessment and objectivity are essential. To that end, while analysing China's foreign policy, this study will first look at the changing roles of nation-states, the conceptualisation of a post-Westphalian notion of sovereignty, and the norms and values embedded in global governance from the Western perspective. Then, it will explore the Chinese perspectives on those areas and how China responds to those changing conceptions in the international community. Chinese materials will be heavily used throughout this study, especially official documents and articles by renowned Chinese scholars. In the field of China study, it has been widely accepted that there are symbiotic relations between the official view and the academic views.⁶⁶ Gerald Chan has also cogently described:

‘The official line, handed down by the Party through the State Education Commission, is still decisive. ... The development of international studies in China remains dependent on the thinking and behaviour of the Communist Party and its top leaders.’⁶⁷

Therefore, one can claim that research on International Studies in China generally reflects the dominant thinking and perspectives of the central government. Apart from secondary resources, both in English and Chinese, this study will also make use of material from interviews conducted with key officials, academics and representatives from IGOs and NGOs in Beijing collected in the course of two field trips in January 2007 and March 2008. The institutions where I conducted interviews include: China's Centre for Disease Control and Prevention (the National Centre for AIDS/STD Prevention and Control, China Global Fund AIDS Programme, the Division of Treatment and Care), UNAIDS, Peking University, Tsinghua University, the Chinese Academy of Social Sciences, China Foreign Affairs University, Beijing Institute of Technology, Beijing Aizhixing Institute of Health Education in China, and Chinese Association of STD & AIDS Prevention and Control.

⁶⁶ David Shambaugh, *Beautiful Imperialist: China Perceives America, 1972-1990* (Princeton NJ: Princeton University Press, 1991), p. 289.

⁶⁷ Gerald Chan, *International Studies in China: An Annotated Bibliography* (New York: Nova Science Publishers, Inc., 1998), p. 30.

Summary of Major Arguments

The primary objective of this study is to reveal China's external behaviour and its aspirations towards world order. Two features stand out. While China has gradually shown a penchant for multilateralism in health governance and global health governance, its participation has been focused on inter-governmental organisations and its multilateral cooperation still remains '*state-led* health governance', with non-state actors, especially the domestic ones, playing a subordinate role. This impairs the reach of the government-sponsored prevention programmes to the high-risk population most vulnerable to the disease.

As a rising power and a major Third World leader, China perceives the world order as largely unjust and therefore advocates that a new world order should be created for the development of the developing world. To that end, China is not acting as a co-guardian or custodian of the liberal international order. It is still firmly wedded to its traditional Westphalian state-centrism. Any act to infringe on its national sovereignty is perceived to be unacceptable and non-negotiable. In the face of changing norms in the West about sovereignty and the role of nation-state in global governance, China emphasises that there are non-Western ways to development. The suggestion of a pluralist 'harmonious world' is meant to counter the liberal democratic model of development. The essence of the new notion is that countries of varying social systems should and could peacefully coexist together and there should not be any universal blueprint for development. Nevertheless, evidence shows that China is not a radical revisionist that would challenge the liberal international order. Within the WTO, it keeps itself aloof from the campaign to change the 'US-style patent law', although rhetorically it harbours resentment against it. With the complex self-proclaimed identities of a 'responsible great power' and a true friend of Third World countries, China is in a state of flux as to how it can contribute responsibly to the mitigation of the disease in Africa and remake the world order to its liking without doing any harm to its hard-won friendly relations with the great powers in the West.

The Organisation of the Remaining Chapters

The rest of this study is divided into six chapters. Chapter 2 gives a detailed literature review on the evolving concepts and aspirations of many Western States about the role of nation-states, national sovereignty, and global governance. It also analyses conceptually the structure and transformation of the global order. This includes the power relations between a dissatisfied rising power and predominant powers. The second theme of the chapter is to provide a thorough ‘inside-out’ perspective on the Chinese traditional understanding of world order and the evolution of Chinese perspectives on global governance and global order in the early 21st century. The focus of this section is on China’s response towards the changing norms and values in the West. Chapter 3 addresses the elements of the global health regime in managing HIV/AIDS and how China has gradually integrated itself into the health regime. A succinct explanation of the evolution of China’s response to the HIV/AIDS pandemic and its proactive participation in global health institutions will be provided.

Focusing on the international-domestic nexus, Chapter 4 will provide a comprehensive empirical investigation into the changing nature of China’s response to its AIDS crisis. It concludes that China has remarkably increased its engagement with multiple actors to fight the disease inside the country. However, due to its overriding concern about erosion of sovereign authority, state-led engagement in health governance still dominates the mindset of Chinese leaders. Obviously the government has not been fully socialised into embracing the norms and rules embedded in post-Westphalian health governance in handling the transnational pandemic of HIV/AIDS. The focus of Chapter 5 will move from China’s internal crisis to its international contribution to global health governance. In the context of China as a self-proclaimed Third World leader and a responsible developing great power, it investigates the role and nature of China’s involvement in the African continent with regard to combating HIV/AIDS. It finds that China’s no-strings-attached health diplomacy has won friends and normative power from its African allies. However, its contribution to the alleviation of the HIV/AIDS crisis in the continent is modest. The study of the World Trade Organization’s Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement on the expansion of the

access to affordable antiretroviral therapy reveals that while China rhetorically expresses resentment against ‘US-style patent law’, it is loath to act against the interests of the US and other developed countries and their big pharmaceutical companies. It acts more as a system-maintainer than as a system-transformer within the WTO.

Chapter 6 will first theorize the factors for China’s changing stance on HIV/AIDS at the turn of this century, followed by a discussion of China’s preferences for world order. To what extent does its compliance and non-compliance with the global health regime tell us its preferences for the world order? Based on the empirical evidence discussed in the previous chapters, it affirms the validity of the hypothesis – China does not seek any radical transformation of the international structure because of the growing economic interdependence between it and the West, the limits of its soft power, and its strong desire to earn the recognition and respect of the established great powers in the international society. Finally, against the backdrop of the arguments developed so far, the concluding chapter will sum up the peculiarities of China’s multilateral approach, the sine qua non of its engagement with the global health regime and its quest for great-power status.

Chapter 2 Global Governance and Global Order

Production generates the capacity to exercise power, but power determines the manner in which production takes place.

Robert W. Cox, 1987¹

Power is here defined in terms of three components: military force, economic wealth and command over public opinion. The debate about the rise and fall of great powers has tended to emphasize two of these: i.e., the military and the economic aspects of power. ... [Paul Kennedy's *The Rise and Fall of the Great Powers*] excludes the normative aspects of power ... In this neglect lies the main shortcoming of an otherwise outstanding analysis.

Torbjørn L. Knutsen, 1999²

Since the end of the Cold War, understandings of global politics in the West and conceptualisations of national sovereignty have begun to transform from Westphalian 'international' politics to post-Westphalian 'global' governance and from 'non-intervention' to 'humanitarian intervention' as well as stressing 'human security' over 'national security'. The significance of non-state actors in managing global affairs is concomitantly on the rise. National sovereignty is now limited by a widely-held 'responsibility to protect', whereby the international community is obliged to intervene in the internal affairs of any nation-states if they fail to respect and protect the human rights of the people within their territorial jurisdictions. While these conceptual changes have been evolving in the West and in international organisations since the 1990s, China has proactively engaged with the rest of the world. This engagement has resulted in a bitter encounter between the Chinese conception of the

¹ Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), p. 1.

² Torbjørn L. Knutsen, *The Rise and Fall of World Orders* (Manchester: Manchester University Press, 1999), p. 9.

Westphalian state and national sovereignty and emerging global norms and rules. It has subsequently stirred up debates among Chinese scholars and policymakers about this long-standing concept since the dawn of this century.

Against this background, this chapter aims to provide a detailed theoretical discussion about global governance and international order both from the Western and the Chinese angles. It will first examine the recent debate in the West on the 'new' understanding of sovereignty, the role and nature of global governance as well as international order. Attention will be paid to the role of nation-states, the conceptualisation of sovereignty, the role of predominant powers in international relations, and the norms and values embedded in global governance. After this review of the Western literature, the second theme of this chapter is to unravel the Chinese perspectives on global governance and international order. While there is little dispute that China has increasingly integrated itself into the international system and that China has remarkably increased its presence in various international organisations and regimes, how do the Chinese leaders and scholars interpret and respond to the changes from Westphalian 'international' politics to post-Westphalian 'global' governance? Will China follow the changing Western norms and rules of global governance or will it insist on its own understanding of national sovereignty and the conceptualisation of global governance?

Global Governance and Global Order: Western Views

Governance and order can be seen as two interrelated concepts. Governance in the 21st century, defined by James Rosenau, 'is to search for order in disorder, for coherence in contradiction, and for continuity in change'. It is a 'system of rule' that is sustained by one form of control or the other.³ Both governance and governments consist of 'rule systems, of steering mechanisms through which authority is exercised in order to enable systems to preserve their coherence and move towards desired

³ James N. Rosenau, 'Governance in the Twenty-First Century', in Rorden Wilkinson (ed), *The Global Governance Reader* (London: Routledge, 2005), pp. 45-46.

goals.’⁴ Therefore, governance can be conceptualised as part of human activity that is ‘concerned with creating the conditions for ordered rule and collective action’.⁵ Order is a relative and purposive concept, referring to a particular set of social arrangements that allows society to sustain its fundamental goals. According to Hedley Bull, order in social life is related to the ‘conformity of human behaviour to rules of conduct, if not necessarily to rules of law’.⁶ So, international order is a pattern of international activity that sustains the elementary goals of the society of states. The key questions are: How can we achieve ‘order’ in an anarchical international society? Who are the major agents? What are the elementary goals of the international society? Who has the authority to define the goals for the rest of the international society?

International society, according to Bull, is formed by a group of states that share certain common interests and values and participate in the maintenance of international institutions. Apart from sovereign states, there are various political actors or agents in the world-wide network of interaction in the international political system. Situated ‘above’ or ‘below’ the state, they include the United Nations, the World Bank, multi-national corporations, as well as political groups within the states. Bull stressed that sovereign states are the most important agents in maintaining order at the global level.⁷ On the other hand, governance, according to Meghnad Desai, is about providing a framework of rules or a ‘Rule of Law’ by which all participating parties agree to abide.⁸ The Commission on Global Governance, one of the first comprehensive studies of global governance, conceived governance as ‘the sum of the many ways individuals and institutions, public and private, manage their common

⁴ James N. Rosenau, ‘Governance in a New Global Order’, in David Held and Anthony McGrew (eds), *Governing Globalisation: Power, Authority and Global Governance* (Cambridge: Polity Press, 2002), p. 72.

⁵ Gerry Stoker, ‘Governance as Theory: Five Propositions’, *International Social Science Journal*, Vol. 50, No. 155, 1998, pp.17.

⁶ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 3rd edition (Houndmills, Basingstoke: Palgrave Macmillan, 2002), pp. 4-8.

⁷ Bull (2002), pp. 248-271.

⁸ Meghnad Desai, ‘Global Governance,’ in Meghnad Desai and Paul Redfern (eds.), *Global Governance: Ethics and Economics of the World Order* (London: Pinter, 1995), p. 19.

affairs’.⁹ Global governance is primarily concerned with how a multitude of actors – nation-states, international organisations, non-governmental organisations (NGOs), citizens’ movements, multinational corporations (MNCs), corporate communities and the mass media – deal with global problems through rule making, monitoring and implementation.¹⁰

Therefore, global governance denotes the ‘efforts to bring more orderly and reliable responses to social and political issues that go beyond capacities of states to address individually’.¹¹ Effective steering mechanisms are those that have capacities to evoke compliance by those towards whom the directives are issued. By making and complying with the ‘rule of law’, various actors collectively involved in global governance aim to steer the anarchical world according to their interests. In short, the rationale for international cooperation is to establish an orderly world and to achieve certain common objectives by collective actions among different actors. While the objective of governance is to maintain order, an orderly world can simultaneously make governance more possible. Hence, governance and order are two interrelated concepts. The distinctiveness of global governance is that governance or collective regulation of social activities is to be exercised by non-hierarchical networks of public actors (states and international organisations) and private actors (NGOs, social movements and corporations) and that they seek to maintain political order by making and enforcing global norms, rules and policies collectively.

As Bull stressed, international institutions are an extension of state interests. States join international institutions with the aim of promoting their national interests and shaping the institutions’ policy. As a result, the ‘states system has always operated within a wider system of political interaction, and within the world-wide political

⁹ Commission on Global Governance, *Our Global Neighbourhood* (Oxford: Oxford University Press, 1995), p. 2.

¹⁰ Robert O. Keohane, ‘Political Authority after Intervention: Gradations in Sovereignty’, in J. L. Holzgrefe and Robert O. Keohane (eds), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), pp. 275-298.

¹¹ Leon Gordenker and Thomas G. Weiss, ‘Pluralizing Global Governance: Analytical Approaches and Dimensions’, in Thomas G. Weiss and Leon Gordenker (eds), *NGOs, the UN, and Global Governance* (Boulder, CO: Westview Press, 1996), p.17.

system of today'. He rejected the idea that the states system is in decline.¹² However, since the end of the Cold War, a growing number of scholars in the disciplines of political science and international relations have attempted to study the implications of globalisation for the governance of the modern states system. Although their studies span different areas ranging from international political economy to environmental governance, the idea of global governance revolves around three fresh perspectives on international relations, namely the relocation of authority from 'government' to 'governance', the reconceptualisation of national sovereignty, and the emergence of the paradigm of 'good governance' in the development community.

From Government to Governance and the Rising Role of Non-State Actors

With a broadened scope of players in the era of globalisation, global governance is no longer understood as a phenomenon of intergovernmental or international relations. This new understanding has given rise to a series of questions: What would the consequences for the state be, relative to other actors? Would globalisation undermine the modern state system? Answers to these questions can be grouped into three arguments: the 'retreat of the state' in the face of globalisation,¹³ the 'state-centric' argument,¹⁴ and 'state transformation' view.¹⁵

¹² Bull (2002), pp. 248-271; quotation on p. 271.

¹³ See Susan Strange, *The Retreat of the State: the Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996); Joseph a. Camilleri and Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (Aldershot: Edward Elgar, 1992). For the more dramatic versions of 'retreat' argument, see Kenichi Ohmae, *The End of the Nation State: The Rise of Regional Economics* (London: Harper Collins, 1996); W. B. Wriston, *The Twilight of Sovereignty: How the Information Revolution is Transforming Our World* (New York: Charles Scribner's Son, 1992).

¹⁴ Robert Gilpin, 'A Realist Perspective on International Governance', David Held and Anthony McGrew (eds), *Governing Globalisation: Power, Authority and Global Governance* (Oxford: Polity Press, 2002), pp. 237-248; Kenneth N. Waltz, 'Globalisation and Governance', *PS: Political Science and Politics*, Vol. 32, No. 4, 1999, pp. 693-7000.

¹⁵ Georg Sørensen, *The Transformation of the State: Beyond the Myth of Retreat* (Basingstoke: Palgrave Macmillan, 2004); Anne-Marie Slaughter, 'The Real New World Order', *Foreign Affairs*,

Those who pursue the argument of a 'retreat of the state' view the nation-state as a victim of globalisation and contend that state sovereignty is at stake in the process of globalisation. Previously state authority in society and economy was supreme and exclusive but now authority is shrinking and has to be shared with other loci or sources of authority.¹⁶ For example, the UN Global Compact has called for an inclusion of all different sectors, including states, non-states, and 'private authorities', to participate into the process of global governance.¹⁷ Global governance is conceptualised as supraterritorial. An implication of this 'retreat' view is that the relative power of the state is eroding. The state exercises little power over economic activity, with multinational corporations (MNCs) being increasingly free to set up their business across the globe. The statist mode of governance over a bounded territorial space has been regarded as impracticable and obsolescent. For the 'retreat' school, global governance is characterised by a relocation of authority upwards to regional and global organisations, downwards to subnational units and sideways to a host of non-state actors, resulting in a dispersion of the loci of governance or a situation that has been aptly described as 'governance *without* government'.¹⁸

On the other hand, those who uphold the state-centric world view insist that globalisation has not undermined the state's sovereign authority. They view sovereignty as autonomy. In a globalised world, states remain in firm control of the

Vol. 76, NO. 5, pp. 183-197; idem, *A New World Order* (Princeton and Oxford: Princeton University Press, 2004).

¹⁶ Susan Strange (1996), p. 82.

¹⁷ The UN Global Compact is one of the initiatives to expand the public accountability of private firms, and to promote private and public partnerships. It has been shown that private firms can play a substantial role in areas that the public sector is unable or unwilling to perform, for example, in the area of HIV/AIDS. This new global public domain is not to replace states, but to embed systems of governance in a broader global framework of social capacity and agency that did not previously exist. See John Gerard Ruggie, 'Reconstituting the Global Public Domain – Issues, Actors, and Practices', *European Journal of International Relations*, Vol. 10, No. 4, 2004, pp. 499-531.

¹⁸ James N. Rosenau and Ernst-Otto Czempiel (eds), *Governance without Government: Order and Change in World Order* (Cambridge: Cambridge University Press, 1992); James N. Rosenau, 'Toward an ontology for global governance,' in Martin Hewson and Timothy J. Sinclair (eds), *Approaches to Global Governance Theory* (Albany, NY: State University of New York Press, 1999), pp. 287-301.

steering wheel and retain substantial capacities to govern their domestic affairs and global activities.¹⁹ ‘State-centric’ scholars assert that it might be true that there are new challenges to the state but states have enough capacities to respond and enforce the rules and regulations. Stephen Krasner takes the view that the norm of Westphalian sovereignty has since its inception been routinely compromised through four different modalities – conventions, contracts, coercion, and imposition – whenever the ruling elite believe that it suits their rational self-interest to surrender it.²⁰ In fact, since the inception of Westphalian sovereignty, political leaders ‘have chosen or been forced to accept other principles’. This compromising sovereignty normally acts as a policy option, an organized hypocrisy. Given that states have never been as ‘sovereign’ as many assume they are, there is no reason to believe that current cases of violations under the influence of globalisation indicate a retreat of the sovereign state.²¹

In contrast to the ‘retreat’ and ‘state-centric’ arguments, state transformists hold that accelerated globalisation has not yet spelt the end of the state. It has rather ushered in a transformation from Westphalian to post-Westphalian statehood. In a globalised world, states are increasingly interconnected with each other. Previously, nation-states only needed to regulate the issues at or within their defined territorial borders. However, as a result of globalisation, a growing list of issues has been shifted from the national and inter-state domains on to the global realm. These global problems, particularly those regarded as non-traditional security issues, defy national solutions and may even not be amendable to region-wide solutions. Not only are national policymakers not well equipped for tackling global issues, but also the associated state-centric approach is no longer useful for analysing and suggesting solutions for them. This generates an increasing demand for cross-border political cooperation. Consequently there is a rapid growth of interstate, transgovernmental and transnational relations.

¹⁹ Waltz, ‘Globalisation and Governance’.

²⁰ Stephen D. Krasner *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999), p. 25.

²¹ Stephen D. Krasner, ‘Compromising Westphalia’, *International Security*, Vol. 20, No. 3, Winter 1995/6, p.114; and Krasner (1999), *Sovereignty*.

The growing interstate relations are most evident in the cooperation in intergovernmental organisations (IGOs). Nation-states are increasingly eager to gain the membership of IGOs in order to expand their role and function on the global stage.²² In addition, transgovernmental relations have also progressively increased through a dense web of governmental policy networks or globe-spanning networks formed by government ministries or units, such as courts, executives, regulatory agencies and legislatures, interacting with each other on matters of common concern. According to Anne-Marie Slaughter, foreign relations of nation-states are no longer conducted exclusively by the ministries of foreign affairs or the heads of state or government. These transgovernmental relations have become the most widespread mode of international governance in the 21st century. Under the globe-spanning networks, the state is disaggregating into functional systems. This will eventually bolster the power of the state as the primary actor in the international system. In other words, states are still acting as the primary, if not the sole, player in the web of the transgovernmental system.²³

Abram Chayes and Antonia Chayes argue that whereas the ‘new sovereignty’ allows states to participate in international institutions, by joining international institutions and signing treaties, ‘modern states are bound in a tightly woven fabric of international agreements, organisations, and institutions that shape their relations with each other and penetrate deeply into their internal economics and politics’.²⁴ Engagement includes incurring and assuming rule-based obligations. In a similar vein,

²² Sørensen, *Transformation of the State*, pp. 60-61. Accordingly, the number of IGOs has grown remarkably from only 37 at the beginning of the twentieth century to 1,830 in 1996 and 7,350 in 2004. See *The Yearbook of International Organisations: Guide to Global and Civil Society Networks, 2005-2006* (München: K. G. Saur, 2005), Vol. 5, Figure 0.1.1, p. 3; and David Held and Anthony McGrew, ‘Introduction’, in David Held and Anthony McGrew (eds), *Governing Globalisation: Power, Authority and Global Governance* (Cambridge: Polity Press, 2002), p. 7.

²³ Anne-Marie Slaughter, ‘The Real New World Order’, *Foreign Affairs*, Vol. 76, No. 5, 1997, pp.183-197; idem, ‘Disaggregated Sovereignty: Towards the Public Accountability of Global Government Networks’, *Government and Opposition*, Vol. 39, No. 2, Spring 2004, pp. 159-190; and idem, *A New World Order* (Princeton and Oxford: Princeton University Press, 2004).

²⁴ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995), p. 26.

in his study of sovereignty under a globalised world, Robert Keohane posits that sovereignty is a ‘bargaining resource’ for influence over transnational relations. According to him, in response to the increasingly interdependent political economy, the Westphalian system is being modified by complex transnational networks. Sovereignty allows states to exercise their authority either ‘to the detriment of other states’ interests or be bargained away in return for influence over others’ policies and therefore greater gains from exchange’.²⁵

In addition, while the global networks operate alongside multi-actors (states, IGOs, NGOs and MNCs), there is a need in international politics to enlarge the global public domain from a state-centric conception to one that would include a wide array of actors and supranational institutions. John Gerard Ruggie suggests ‘a fundamental reconstitution of the global public domain’ in international politics, based upon a ‘growing significance of global corporate social responsibility initiatives triggered by the dynamic interplay between civil society actors and multinational corporations’.²⁶ In other words, the world system has changed into a multi-centric world. The significance of non-state actors, including NGOs and the private sector, in managing global affairs, is on the rise. The nation-state is a – but no longer the – basic unit of world politics.

Reconceptualising Sovereignty

The conventional understanding of national sovereignty is based on two key elements, namely internal hierarchy and external autonomy.²⁷ Hans Morgenthau defines it as ‘the supreme legal authority of the nation to give and enforce the law within a certain territory and, in consequence, independence from the authority of any other nation

²⁵ Robert O. Keohane, ‘Sovereignty in International Society’, in David Held and Anthony McGrew (eds), *The Global Transformations Reader: An Introduction to the Globalisation Debate*, 2nd Edition (Cambridge: Polity, 2003), pp. 147-161, quotations on p. 155.

²⁶ Ruggie, ‘Reconstituting the Global Public Domain’.

²⁷ Hendrik Spruyt, *The Sovereign State and Its Competitors* (Princeton, NJ: Princeton University Press, 1994), p. 3.

and equality with it under international law'.²⁸ Internally, states hold absolute power over their territory and population; other states should not and do not have the right to intervene. Externally, their right to exercise absolute and unlimited authority within their territories is recognised in international relations. States are politically independent of each other and they are equal under international law. Morgenthau further asserts that sovereignty is not divisible.²⁹ States either have it or do not have it. Robert Jackson also defines sovereignty as 'a status', 'a legal standing', which 'authenticates a political order based on independent states whose governments are the principal authorities both domestically and internationally'.³⁰ Georg Sørensen summarises that at the core of sovereignty is constitutional independence, which entails the principle of juridical equality of members in the international society of states and the regulative rules of non-intervention and reciprocity or equal treatment, although in substantial terms states are highly unequal in capacity for action and control in both internal and external affairs.³¹ An implicit understanding of this sovereignty proposition is that there should be little reason to expect any substantial changes in this international system as national sovereignty has been regarded as the fundamental principle of the modern state system since the establishment of the Peace of Westphalia in 1648.

However, this conventional understanding of sovereignty was no longer seen as absolute in the wake of a series of humanitarian crises in the 1990s in Somalia (1992-94), Rwanda (1994), Srebrenica (1995), East Timor (1999) and Kosovo (1999). As a result of these appalling cruelties against humanity, the notion of national sovereignty has undergone a process of reconceptualisation since the late 1990s. The dispute revolves around whether or not states in international society have the legitimate right to 'fix' failed and badly governed states. Do states have the responsibility to protect individuals beyond their borders from appalling cruelty? Former UN Secretary

²⁸ Hans J. Morgenthau, *Politics among Nations: the Struggle for Power and Peace* (New York: McGraw-Hill, 1985), 6th edition, p. 334.

²⁹ Morgenthau, *Politics among Nations*, pp. 341-346.

³⁰ Robert Jackson, 'Sovereignty in World Politics: a Glance at the Conceptual and Historical Landscape', *Political Studies*, Vol. 47, No. 3, 1999, pp. 431-456.

³¹ Georg Sørensen, *The Transformation of the State*, pp. 103-106.

General Kofi Annan asserts that ‘state sovereignty, in its most basic sense, is being redefined – not least by the forces of globalisation and international co-operation’.³²

In view of the contested nature of humanitarian intervention into Kosovo by the North Atlantic Treaty Organization (NATO) without the authorisation of the UN Security Council, an International Commission on Intervention and State Sovereignty (ICISS), sponsored by the Canadian government, was established to examine the guiding principles of humanitarian intervention. In its report entitled *The Responsibility to Protect*, the Commission held that sovereignty implies responsibility and that the right to non-intervention is conditional and constrained. As a sovereign entity every individual state has the primary responsibility to protect its citizens from life-threatening dangers. In joining the United Nations and signing its Charter, states have indicated their acceptance of this accompanying responsibility. However, if a state is unable or unwilling to fulfil its responsibility, the international community of states has a fallback responsibility to respond and the principle of non-intervention should give way to the international responsibility to protect.³³ The rationale is that the modern states system is only a means to achieving the overriding goal of promoting wellbeing and freedom of individuals. As soon as sovereignty per se becomes an impediment to this accomplishment, sovereignty ‘can, should and must be discarded’.³⁴ The evolving paradigm of humanitarian intervention is understood as a goal of achieving justice and human rights. This solidarist value accepts not only the notion that sovereign states have a moral responsibility to protect the security of their own citizens, but also more broadly requiring them to assume ‘guardianship of human rights everywhere’.³⁵ The notion was adopted by Kofi Annan, the UN General-

³² Kofi A. Annan, ‘Two Concepts of Sovereignty’, *The Economist*, 18 September 1999.

³³ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), p. xi, <http://www.iciss.ca/report-en.asp> (accessed 24 July 2007).

³⁴ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006), p. 255.

³⁵ Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), p. 12.

Secretary in 1997-2006, and the United Nations General Assembly in its 2005 World Summit in September 2005.³⁶

Furthermore, in order to maintain internal order and establish an effective legitimate authority in the post-intervention states, Robert Keohane proposes reconceptualising sovereignty. Armed with the concept of ‘gradations of sovereignty’, rather than absolutely all or nothing, the UN or other external authority can intervene into ‘troubled societies’. In that sense, sovereignty needs to be ‘unbundled’ and the Westphalian notion of sovereignty is renounced.³⁷ His view is echoed by Stephen Krasner who puts forward the concept of ‘sharing sovereignty’ as an alternative new institutional form to secure decent and effective domestic governance in collapsed, failed and failing states. Under the arrangement of ‘sharing sovereignty’, other states or international organisations should be promoted as a de facto trustee, even if not in de jure sense.³⁸

In short, whereas the use of force to save victims across borders was a violation of the UN Charter during the Cold War era, Security Council-authorized humanitarian interventions have now secured legitimacy at the dawn of this century.³⁹ In other words, a fundamental foundation of the modern state’s sovereignty game - non-intervention - is no longer absolutely held. The prevailing understanding in liberal democratic countries is that sovereignty entails responsibility. However, it has to note

³⁶ Annan, ‘Two concepts of sovereignty’; and United Nations General Assembly, *2005 World Summit Outcome* (UN Document A/60/L/1, 15 September 2005), paragraphs 138-140, <http://www.un.org/summit2005/documents.html> (accessed 26 July 2007).

³⁷ Robert O. Keohane, ‘Political Authority after Intervention: Gradations in Sovereignty’, in J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), pp. 275-298. Robert Keohane refers to Stephen Krasner’s four different ideal-types of sovereignty, namely domestic sovereignty, interdependence sovereignty, international legal sovereignty, and Westphalian sovereignty. See Krasner, *Sovereignty*. Later, Krasner removes interdependence sovereignty from the ideal-types in his ‘Sharing Sovereignty: New Institutions for Collapsed and Failing States’, *International Security*, Vol. 28, No. 4, Spring 2004, pp.5-43. My thanks go to Martin Griffiths for drawing my attention to this paper.

³⁸ Krasner Krasner (2004).

³⁹ Nicholas J. Wheeler (2000), pp.1-17.

that there are a large number of states, especially developing countries, including China, that disagree with this notion.

The Emergence of Good Governance Paradigm

In the face of Africa's economic failure and debt crisis of the 1980s, the World Bank introduced Structural Adjustment Programmes (SAPs) to developing nations, requiring them to press ahead with transitions towards market economies to resolve the crisis. Despite market-oriented reforms, the debt crisis kept ballooning that decade. Grinding poverty was not halted but still engulfed sub-Saharan Africa. Because of this, the World Bank re-examined in the late 1980s the factors that held back sub-Saharan African countries from implementing market-oriented reforms.⁴⁰ The Bank concluded that the poorest countries suffered from a lack of good governance which was characterised by a lack of public accountability and transparency, rampant corruption and the capture of public services by powerful interest-group elites. In another study, the World Bank emphasised the ingredients of effective management. Consequently, heavy stress has been laid on the need for good governance. The notion of 'good governance' was then adopted by the United Nations and other international development agencies, including the Asian Development Bank (ADB). The ADB further consolidated the concept of good governance in 1995 by identifying four elements – accountability, participation by stakeholders, predictability based on the rule of law and transparency in information flow about government policy and decision.⁴¹ As a model of governance advocated by international financial institutions, it is also deemed as an extension of the Washington Consensus.⁴²

⁴⁰ World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth. A Long-Term Perspective Study* (Washington, D.C.: World Bank, 1989).

⁴¹ Asian Development Bank, *Governance: Sound Development Management* (Manila: Asian Development Bank, 1995); World Bank, *Governance and Development* (Washington, DC: World Bank, 1992); World Bank, *Governance: The World Bank's Experience* (Washington, DC: World Bank, 1994); United Nations Development Programme (UNDP), *Reconceptualising Governance* (New York: Bureau for Policy and Programme Support, UNDP, 1999).

⁴² The term 'Washington Consensus' was coined by John Williamson in 1989 who used it to describe a set of economic policy prescriptions from international financial institutions, such as IMF, World Bank

Hereafter, the notion of good governance has emerged as ‘the lever for sustainable development’ and ‘the single most important factor in eradicating poverty and promoting development’.⁴³ The new orthodoxy in the development community for the offers of financial aid and loans by international financial institutions is to be built on the demand that recipient countries must adopt the principles and practices of good governance. Good governance with a democratic political system becomes a new ‘political conditionality’ for the distribution of financial aid and loans from donor governments. The fall of communism in Eastern Europe and the former Soviet Union in the early 1990s reinforced the determination of international financial institutions and donor governments to impose the ‘political conditionality’ of good governance on the developing countries seeking financial assistance.⁴⁴ However, this new orthodoxy of economic liberalisation has challenged the Westphalian principle of non-intervention into domestic politics. While examining the changing norms of sovereignty in the Third World, David Williams concludes that the idea that governments have sole authority over a sphere of internal affairs ‘is now not very much left’. By entering into contractual relations with international financial institutions, Third World states need to cede much of their authority in return for economic benefits. In fact, international financial institutions ‘are prepared to intervene in almost all aspects of economic, political, and social life’,⁴⁵ and the notion of good governance has become a key component of the prevalent value-diplomacy promoted by the West to recipient states since the 1990s.

and the US Treasury Department for debtor countries in Latin America. See John Williamson, ‘A Short History of Washington Consensus’, paper commissioned by Fundación CIDOB for a conference ‘From the Washington Consensus towards a New Global Governance’, Barcelona, 24-25 September 2004; available at <http://www.iie.com/publications/papers/williamson0904-2.pdf> (accessed 26 July 2008).

⁴³ Kofi Annan, ‘Concept Paper on State of Governance in LDCs Report’, available at <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan019936.pdf> (accessed 10 August 2007).

⁴⁴ W. Andy Knight, ‘Democracy and Good Governance’, in Thomas G. Weiss and Sam Daws (eds), *The Oxford Handbook on The United Nations* (Oxford: Oxford University Press, 2007), pp. 620-633.

⁴⁵ David Williams, ‘Aid and Sovereignty: Quasi-States and the International Financial Institutions’, *Review of International Studies*, Vol. 26, No. 4, 2000, p.573.

Indeed, this value-laden governance paradigm or the political nature of the values embedded in global governance has been widely discussed by scholars in the disciplines of International Relations and Political Science. The debate is about the role of hegemonic powers in shaping the norms, values and the outcomes of governing process. While ‘governance *without* government’ suggests an absence of central authority, the effectiveness of global governance hinges on the willingness of the powerful actors to comply with the underlying norms and rules, and equally on the capacity of international institutions to create order by forging a consensus on the content of norms and rules and to enforce them when actors fail to comply with them.⁴⁶ However, at issue are whose values are espoused, who makes the rules and norms and how they are made while there is no central authority.

Global governance, in fact, can be viewed as a reflection of the existing power relations. While governments generate compliance through legal prerogatives, governance derives its effectiveness from ‘norms and habits, informal agreements, shared premises and a host of other practices that lead people to comply with their directives.’⁴⁷ Although global governance attaches significance to the role of a wide array of actors in managing global issues, the dominant norms and rules that give support to global governance are usually those that reflect the interests of the most powerful states who painstakingly portray them as global.⁴⁸ Through the network of institutions in the international system, the dominant powers can establish their preferences and values and portray them as universal in conception or ‘common sense’. As Torbjørn L. Knutsen notes:

‘The norms and values which inform a hegemonic condition are a universalization in thought of the norms and values which have emerged from the political history of a pre-eminent great power. These basic norms

⁴⁶ See James N. Rosenau, ‘Governance, Order, and Change in World Politics’, in James N. Rosenau and Ernst-Otto Czempiel (eds), *Governance Without Government: Order and Change in World Politics* (Cambridge: Cambridge University Press, 1992), pp. 1-29.

⁴⁷ James N. Rosenau (2002), p. 72.

⁴⁸ Samuel Makinda, ‘Recasting Global Governance’, in Ramesh Thakur and Edward Newman (eds), *New Millennium, New Perspectives: The United Nations, Security, and Governance* (Tokyo: United Nations University Press, 2000), pp. 166-167.

and values express working arrangements which a ruling elite or class has obtained with other groups of society and which harmonize with its interests. And since the elite owes its dominant position to the exercise of power, it follows that its norms and ideas are in some degree tainted with power and with the socio-political values which legitimize and sustain it.⁴⁹

Seen from this perspective, the nature of norms and values embedded in global governance is never fixed. It might change according to the pre-eminent powers' understandings about what is good and appropriate. By sharing understandings, identities and interests, pre-eminent powers can inculcate or institutionalise their norms and values through the medium of 'norm entrepreneurs' played by international institutions, transnational networks of NGOs or epistemic communities.⁵⁰ Joseph Nye has further described that in this information age, information has become more plentiful and more accessible to states, NGOs, private firms as well as ordinary citizens. As a result, 'states that are likely to gain soft power in an information age are those whose dominant culture and ideas are closer to global norms'.⁵¹ Undoubtedly, the liberal democratic norms have developed to be the prevailing, if not universal, norms since the end of the Cold War. A typical example of this is the said notion of 'good governance' or so-called 'Washington Consensus'. Therefore, nation-states – particularly the pre-eminent ones – are still the premier actor in making and enforcing policies and decisions in global governance. Craig Murphy further argues that 'without understanding the ways in which powerful states construct and pursue their grand strategies', it is impossible to explain the nature of global governance.⁵² If we wish to explain 'how global activities are guided and how

⁴⁹ Torbjørn L. Knutsen (1999), p. 63.

⁵⁰ Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organisation*, Vol. 52, No. 4, Autumn 1998, pp. 887-917.

⁵¹ Joseph S. Nye, 'Soft Power in the Information Age', *Luncheon on the Harvard Campus*, 2 May 2000, available at http://www.freemedia.at/cms/ipi/attachments/0/7/8/CH0063/CMS1151509236288/10-harvard_lunch.pdf (accessed 1 July 2008).

⁵² Craig N. Murphy, 'Global Governance: Poorly Done and Poorly Understood', *International Affairs*, Vol. 76, No. 4, 2000, p.797.

world orders are produced', 'governance and power are inextricably linked'.⁵³ Hence, while studying global governance, particularly its outcomes, we need to connect it with the first political question – the problem of power.⁵⁴ If pre-eminent states have the power to dominate or channel the outcome of global governance, global governance institutions can be perceived as tools of them or more precisely the US, since the end of the Cold War.

In summary, in the age of globalisation, there is a vast array of transnational issues that are not amenable to action by individual states, including public health. While in studying global governance we cannot ignore the importance of compliance in the problem-solving arrangements among actors, the more important issues, which are embedded in the subject of global governance, are who benefits from the compliance, whose values are to be upheld, and for what ends are the rules and norms made.⁵⁵ In other words, what should the underlying values of the global order be? Needless to say, the dominant existing global order is ushered into a liberal direction. Through the network of institutions in the international system, liberal ideology has spread to all major extant international institutions. However, is this liberal international order a universally accepted order? If there is a high level of ambivalent feelings towards this dominant order, how stable will this order be? A careful study of the linkage between global governance and international order, and a rising dissatisfied power, such as China, is crucial to understanding world politics in the era of globalisation.

The Structure and Transformation of Global Order

Global order is a topic that has attracted the attention of many International Relations theorists. Critical theorists, realists and rationalists conceive order, hegemony, and

⁵³ Michael Barnett and Raymond Duvall, 'Power in Global Governance', in Michael Barnett and Raymond Duvall (eds), *Power in Global Governance* (Cambridge: Cambridge University Press, 2005), p. 2.

⁵⁴ Robert Gilpin, 'A Realist Perspective on International Governance', in David Held and Anthony McGrew (eds), *Governing Globalisation: Power, Authority and Global Governance* (Cambridge: Polity Press, 2002), p. 246.

⁵⁵ Margaret P. Karns and Karen A. Mingst, *International Organisations: The Politics and Processes of Global Governance* (Boulder: Lynne Rienner Publishers, 2004), pp. 30-31.

counter-hegemony in similar ways. This section explores how these three different schools of thought think about the forces behind the formation of the dominant global order and its transformation. The focal point is the changing power relations between the principal actors of the order.

Based on the reciprocal relations between power and production, critical theorist, Robert Cox examines in his seminal *Production, Power, and World Order: Social Forces in the Making of History* (1987) the process of historical transformations of production and world order. From a Marxist perspective, he argues that production is the origin and foundation of both domestic politics and world order. While most of the problem-solving theories of IR, such as those espoused by Robert Keohane⁵⁶ and Kenneth Waltz⁵⁷, tend to adopt a fixed ahistorical conception of the state that accepts the parameters of the prevailing order, Cox focuses on the dialectical possibilities of change within social relations of production and world order.⁵⁸

According to Cox, the nature of power can be determined by the distributive consequences of production: *what* are to be produced and *how* to produce.⁵⁹ Power in social relations of production gives rise to certain social forces which can, in turn, become the bases of power in the state. While the state can activate the potentialities of a social formation, it draws resources from the society and uses them to maintain or reproduce the society. In other words, production can create the material basis for all forms of social existence. States make decisions for societies and give pre-eminence to particular modes of social relations of production. While production ‘can generate

⁵⁶ Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984).

⁵⁷ Kenneth Waltz, *Theory of International Politics* (Reading, Mass: Addison-Wesley Press, 1979).

⁵⁸ Robert Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987). Robert Cox’s work is committed to developing a critical theory of world order. As early as 1981, he argued in one of the oft-cited sentences, ‘Theory is always for someone, and for some purpose’, that theory serves the interests of the individuals and groups who prosper under the prevailing order by legitimising and strengthening the status quo. See Robert Cox, ‘Social Forces, States and World Orders: Beyond International Relations Theory’, *Millennium: Journal of International Studies*, Vol. 10, No. 2, June 1981, p. 128.

⁵⁹ Robert Cox (1987), p. 11 and p. 17, emphasis in original.

the capacity to exercise power',⁶⁰ it also channels the potentialities of social formation and maintains or shapes the world order according to states' interests upon *raison d'état*.⁶¹

The prevailing world order is embedded into a historical structure through three different forces (see Figure 2.1). They have reciprocal relationships. Material capabilities refer to the accumulated productive and destructive potentials, such as economic power and military power. Ideas consist of intersubjective meanings about the nature of social relations, such as the notion of sovereignty, and collective images of world order, such as norms and rules about justice. While intersubjective meanings are broadly common and constitute a common ground of social discourse, collective images are 'coherent mental types expressive of the world views of specific groups'.⁶² Clashes of competing collective images can trigger an alternative change of the historical structure. Institutions are amalgams of ideas and material power. They reflect the prevailing power relations and the interests and norms of the prevailing dominant powers. Through the network of institutions in the international system, hegemonic powers not only have the capacity to shape world order coercively according to their interests but also have the capabilities to generate a broad consent for the world order and portray it as the 'normal' order in the international system. However, hegemonic systems often generate counter-hegemonic resistance which gives impetus to a transformation of the structure of the world order. By focusing on the dialectical possibilities of change within the relationship of production and exploitation, Cox further argues that a sense of deprivation in rewards on the part of a group of producers will 'lead this group to struggle effectively for greater control of the production process, and this results over time in a change in the structure of social power'.⁶³

⁶⁰ Robert Cox (1987), p.1.

⁶¹ *Raison d'état* means the pursuit of a particular state's interests in relation to other states. See Cox (1987), p. 106.

⁶² Robert Cox and Timothy J. Sinclair, *Approaches to World Order* (Cambridge: Cambridge University Press, 1996), p. 99 and footnote 19.

⁶³ Robert Cox (1987), p. 12.

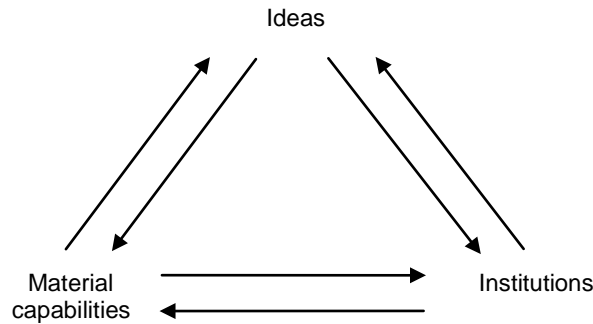


Figure 2.1 Reciprocal relationships of hegemonic order

Source: Robert Cox and Timothy Sinclair, *Approaches to World Order* (Cambridge: Cambridge University Press, 1996), p. 98.

Realists also investigate how and under what circumstances international political change takes place. Robert Gilpin argues in *War and Change in World Politics* (1981) that the change can be understood as a historical secular process through which the relative positions of the powerful states in the power hierarchy changes over time. The predominant power can build up a legitimate order through its demonstrated ability to enforce its will and promote a single set of universal values upon other states.⁶⁴ Stability can be achieved from a generally accepted ‘right to rule’. In this light, global governance will be effective as long as there is a general consensus on the norms and rules in the governance structure. By the same reasoning, a rising power will likely make an effort to challenge the status quo if it is dissatisfied with the rules and regulations underpinning global governance. However, whether a state attempts to change the international system depends on a set of cost/benefit calculations. States which gain positive net benefit from the change and attain the power to effect the change will seek to transform the international system to suit their interests. In a similar vein, after a set of cost/benefit calculations, if a state (or a group of states) judges that the cost exceeds the profit, they will tend to maintain the status quo. In other words, a changed political system will primarily reflect and advance the interests of the new emergent powers.⁶⁵ Another Realist, Henry Kissinger, holds a similar view about the changing relations between the dominant power and the aspiring ones. The dissatisfied powers may use a revolutionary foreign policy to

⁶⁴ Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981).

⁶⁵ Robert Gilpin (1981), pp. 9-10 and pp. 50-51.

challenge the status quo and to transform the international system in such a way to strengthen their positions.⁶⁶

The rationalist Hedley Bull also argued that, although great powers can sometimes stabilise international order through hegemonic order, legitimate order or balance of power, even without a general consensus among states, one cannot rule out the possibility of a revolution for change from dissatisfied powers. Furthermore, a concentration of power in one state would be dangerous and would eventually lead to a demand for redistribution of power among states.⁶⁷

In summary, three different schools – critical theory, Realism, and rationalism – arrive at a broad agreement on the relationship between status quo power and global order. For them, international order will be effective as long as there is a general consensus about how global issues are to be governed. However, the order is in danger of being overthrown if the rising power has any sense of deprivation towards the dominant order. The dissatisfied rising power is inclined to use revolutionary measures to change the existing governing pattern. Therefore, an accurate assessment of the power relations between a rising power and the pre-eminent one is a critical task to understand the formation of the international order in the 21st century.

As mentioned at the beginning of this study, while China deepens its participation in global governance, it rhetorically harbours deep resentment towards the liberal international order, as exemplified in the frequent calls by Chinese leaders and scholars for a ‘democratisation of international relations’. An implication of this rhetoric is that with its increasing economic and political clout, China will likely seek to alter the international order. In order to enhance our understanding of China’s foreign policy, the first step is to understand China’s perception of the international order, global governance and the notion of Westphalian sovereignty, on which China’s history and national experiences have direct bearing. The rest of this chapter will explore China’s perception of the international order and global governance from both ‘outside-in’ and ‘inside-out’ perspectives. The focus is on: First, does China

⁶⁶ Henry Kissinger, *The World Restored* (New York, Grosset Dunlap, 1964), p. 2.

⁶⁷ Hedley Bull (2002).

harbour any sense of deprivation in rewards while participating in global governance? Second, even after many years of engagement with the world, does China still view global governance from the perspective of the Westphalian concept of state sovereignty? How does China understand the notion of sovereignty in a highly globalised world? More importantly, while the conceptualisation of national sovereignty in the West has been transformed alongside a change from Westphalian 'international' politics to post-Westphalian 'global' governance, how does China respond to that changing conception?

China and Global Governance

China's rise has created a continuing debate on its role on the world stage in the early 21st century. Is it a status quo power,⁶⁸ a (dis)satisfied power,⁶⁹ a regional threat,⁷⁰ or a responsible state?⁷¹ Does China matter?⁷² China scholars have pondered these questions since the end of the 20th century. There are lively debates as to whether with rising clout China would pose challenges to the global governance institutions and world order principally shaped and managed by dominant power in the West. Inside China, since the dawn of the 21st century, a centre of attention of China's engagement

⁶⁸ Alastair Iain Johnston, 'Is China a Status Quo Power?', *International Security*, Vol. 27, No. 4, Spring 2003, pp. 5-56.

⁶⁹ Alastair Iain Johnston, 'Beijing's Security Behavior in the Asia-Pacific: Is China a Dissatisfied Power?', in J J Suh, Peter J Katzenstein and Allen Carlson (eds), *Rethinking Security in East Asia: Identity, Power and Efficiency* (Stanford, CA: Stanford University Press, 2004), pp. 34-96.

⁷⁰ Richard Bernstein and Ross H. Munro, *The Coming Conflict with China* (New York: A.A. Knopf, 1997).

⁷¹ Xia Liping, 'China: A Responsible Great Power', *Journal of Contemporary China*, Vol. 10, No. 26, 2001, pp. 17-25; Gerald Chan, *China's compliance in Global Affairs: Trade Arms Control Environmental Protection, Human Rights* (Singapore: World Scientific, 2006).

⁷² Gerald Segal published a provocative article 'Does China Matter?' in *Foreign Affairs*, Vol. 78, No. 5, September/October 1999, pp. 24-36. Segal argued that China mattered but it mattered far less than what the Western countries had thought. Up to the end of the 20th century, China was only a normal and medium power, exerting no political pull at the world stage. After his death, a number of China scholars reassess his article in light of China's continued economic growth and subsequently published a book *Does China Matter? A Reassessment: Essays in Memory of Gerald Segal*, edited by Barry Buzan and Rosemary Foot (London: Routledge, 2004).

with global governance has gradually evolved. It is about what the long-term goals of China's participation in the multilateral international community should be. China's leading scholars are now turning their attention to discussing the possible impacts China can make on the global community.⁷³

The rest of this chapter consists of four sections. Section one lays out the existing interpretations of Chinese behaviour from prominent China scholars in the West. The second section explains the traditional Chinese understanding of international order and how China comes to such a conception of international order. The third section shifts the focus to the evolving concept of global governance in China and the Chinese perspectives on global governance. Against the literature reviews in the West about the changing role of the state, the reconceptualisation of national sovereignty, and the rise of the paradigm of good governance, the final section looks at Chinese perspective on these three issues.

An 'Outside-in' Perspective

As briefly discussed in Chapter 1, China has over the past decade increasingly engaged in multilateral cooperation and demonstrated greater willingness to comply with international norms and rules in a variety of policy areas, ranging from arms control and human rights to public health. In studying China's participation in global governance, Western scholars have largely focused on its relations with the principal international institutions. Samuel Kim notes that while China began to develop a comprehensive network of linkages with the rest of the world in the 1980s, it followed an unstated 'maxi/mini' principle, maximising China's rights and own security interests while attempting to minimise its responsibilities and normative costs.⁷⁴

⁷³ Pang Zhongying, 'Zhongguo zai guoji tixi zhong de diwei yu zuoyong' (The status and impact of China in international system), *Xiandai guoji guanxi (Contemporary International Relations)*, No. 4, 2006, pp.17-22.

⁷⁴ Samuel S. Kim, 'International Organisations in Chinese Foreign Policy', *The Annals of the American Academy of Political and Social Science*, Vol. 519, 1992, pp. 140-157.

With respect to international security and human rights, China has experienced a substantially increased involvement in multilateral cooperation and compliance.⁷⁵ In summarising China's participation in arms control, Gary Klintworth states that 'China has moved from a position of disinterest and opposition in the 1950s to 1960s, to a strong commitment to arms control and non-proliferation of weapons of mass destruction by the 1990s.'⁷⁶ By 1996, China had already signed 85-90% of arms control arrangements; in contrast, the country was signatory to only 10-20% of the arrangements in the 1970s. The accords signed include Comprehensive Test Ban Treaty (CTBT), Non-proliferation Treaty (NPT), and the chemical and biological weapons conventions.⁷⁷ China's involvement in the international human rights regime is similar to its participation in arms control. In examining China's implementation of human rights norms, Ann Kent concludes that from 1971, when it gained membership of the UN, to 1989, China's application of the human rights regime was minimal or 'still weak'. However, since 1989, China has begun 'an extraordinarily strong application of the regime.'⁷⁸

China scholars have offered various explanations for China's increasing conformity with international rules and norms. Some attribute it to a policy of *realpolitik* and a concern with international image. In explaining the shift in participation in arms control and disarmament, Michael Swaine and Alastair Iain Johnston argue that it is

⁷⁵ The literature on arms control and disarmament is rich. It includes Michael D. Swaine and Alastair Iain Johnston, 'China and Arms Control Institutions', in Elizabeth Economy and Michel Oksenberg (eds), *China Joins the World: Progress and Prospects* (New York: Council on Foreign Relations Press, 1999), pp. 90-135; Alastair Iain Johnston and Paul Evans, 'China's Engagement with Multilateral Security Institutions', in Alastair Iain Johnston & Robert S Ross (eds), *Engaging China: The Management of an Emerging Power* (London: Routledge, 1999), pp. 235-272; and Gary Klintworth, 'China and Arms Control: A Learning Process', in Yongjin Zhang and Greg Austin (eds), *Power and Responsibility in Chinese Foreign Policy* (Canberra: Asia Pacific Press, 2001), pp. 219-249. The literature on human rights regime includes Ann Kent, *China, the United Nations, and Human Rights: The Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999); and Andrew J. Nathan (1999), 'China and the International Human Rights Regime', in Elizabeth Economy & Michel Oksenberg (eds), pp 136-160.

⁷⁶ Gary Klintworth (2001), p. 219.

⁷⁷ Alastair Iain Johnston and Paul Evans (1999), p. 238.

⁷⁸ Ann Kent (1999), p.15.

primarily due to *realpolitik* considerations in a changing security environment. China is enthusiastic to take part in areas where it can reap the benefits and enhance its capabilities at little cost. Johnston and his associates note that China's participation in arms control regimes is motivated by its commitment to portraying itself as a responsible state as well as a Third World leader, even though the CTBT itself would impose constraints on Chinese power.⁷⁹ Their views are echoed by Allen Carlson who argues that over the last fifteen years, its continuing engagement with the international community and its growing interest to cultivate an image as a responsible state have pushed China to modify its stance on sovereignty-intervention nexus. That explains why China supported humanitarian intervention in East Timor in 1999.⁸⁰ Yong Deng highlights the factor of the quest for international status in explaining China's post-Cold War foreign policy. China attaches much weight to acquiring recognition and respect by the Western powers.⁸¹

On the other hand, Gary Klintworth argues that China's interest in arms control does not solely derive from its concerns of *realpolitik* and reputation. He states that in order to feel secure enough to concentrate on economic development, China wants to reduce global tensions, especially in its relations with the United States. Therefore, it feels obliged to comply with the norms and rules regulating the export of arms and behave as a responsible state. However, in dealing with such an issue as the US-designed Theatre Missile Defence (TMD) system, which it believes threatens its core interests, China voices strong opposition. The TMD system is believed to cover Taiwan, which China regards as part of its territory.⁸²

⁷⁹ Alastair Iain Johnston and Paul Evans (1999), p. 240; Michael Swaine and Alastair Iain Johnston, (1999), pp. 100-101, and p. 119, note 69. China's first Defence White Paper, published in July 1998, explicitly states that 'China is a responsible big country' when it comes to arms control. See Information Office of the State Council of the People's Republic of China, *China's National Defence* (Beijing: Information Office of the State Council, 1998); available at <http://www.fas.org/nuke/guide/china/doctrine/cnd9807/index.html>.

⁸⁰ Allen Carlson, 'Helping to Keep the Peace (Albeit Reluctantly): China's Recent Stance on Sovereignty and Multilateral Intervention', *Pacific Affairs*, Vol. 77, No. 1, Spring 2004, pp. 9-27.

⁸¹ Yong Deng, *China's Struggle for Status: The Realignment of International Relations* (Cambridge: Cambridge University Press, 2008).

⁸² Gary Klintworth (2001), pp. 219-249.

In examining China's changing human rights practices in response to international monitoring and criticism, Andrew Nathan points out that China's concern with image has led it to pursue a mixed policy. On the one hand, it shows an ideological resistance to international human rights standards. China is strongly opposed to being judged by the Western, especially American, standards. On the other hand, China also selectively makes substantial concessions, especially in multilateral settings, to rally Third World support.⁸³ In addition, Elizabeth Economy argues that the rationale behind China's deepening international cooperation lies in its intentions to gain access to resources and technical assistance not available domestically and to earn a positive international reputation while expressing concern over any possible infringement on its sovereignty.⁸⁴

It is often asked whether China has been socialised by the global community into international norms and rules. Alastair Iain Johnston argues that China's growing engagement with international arms control activities only constitutes an adaptation to exogenous conditions rather than learning that would entail a paradigm shift from a hard *realpolitik* strategy to the notion of cooperative security.⁸⁵ Ann Kent concludes that China has embraced the tool of the market economy without internalising the rule of law and the norms of transparency. It is keen to adopt only the policies which are believed to be favourable both to economic growth and to building up a high international reputation. As a consequence, China tends to selectively observe international norms and rules, not only in the area of human rights but also in public health. She argues that the international community has been alerted to the fact that China has not yet made the necessary transition to an open and transparent system, as

⁸³ Andrew J. Nathan (1999), 'China and International Human Rights Regime', in Elizabeth Economy and Michel Oksenberg (eds), pp. 136-160.

⁸⁴ Elizabeth Economy, 'The Impact of International Regimes on Chinese Foreign Policy-Making: Broadening Perspectives and Policies ... But Only to a Point', in David M. Lampton (ed), *The Making of Chinese Foreign and Security Policy* (Stanford, CA: Stanford University Press, 2001), pp. 230-253.

⁸⁵ Alastair Iain Johnston, 'Learning Versus Adaptation: Explaining Change in Chinese Arms Control Policy in the 1980s and 1990s', *China Journal*, No. 35, January 1996, pp. 27-61.

evident in the SARS and HIV/AIDS crises.⁸⁶ Her view is echoed to a certain extent by Elizabeth Economy who argues that China's involvement in international regimes 'shapes the context in which decisions are made rather than the specific decisions.'⁸⁷

Stuart Harris is of the view that China's decision to integrate itself into the international economic regime was initially prompted by a desire to pursue state interests. However, the process of this participation has provided useful mechanisms for it to learn the importance of global interdependence and led to an increasingly substantial engagement. The cognitive learning process gives rise to new thinking about modern capitalism and global interdependence. As a consequence, China not only reaps material benefits but is also willing to accept the costs.⁸⁸

In short, on the one hand China's rationalist conception of global governance prompts the country to deal with globalisation and its impact by participating in multilateral institutions and seeking to adhere as much as possible to the underlying norms and rules of the institutions. On the other hand, its participation in global governance is constrained by state-centric claims that it has to safeguard national sovereignty from external interference, and by the fact that it does not share with the West the fundamental norms and rules governing global governance. An implication is that as soon as China feels confident enough that it is a great power, it may no longer comply with the established norms and rules of international institutions. It may shift from a status-quo power to a revisionist power by bending the rules to its will and threatening the prevailing international order by changing the rules and norms according to its interest.

Of equal importance to the above illustrative discussion of the evolution of China's behaviour in governance by Western scholars from an 'outside-in' perspective is how China interprets the concepts of 'governance', 'global governance' and 'good

⁸⁶ Ann Kent, 'China's Growth Treadmill: Globalisation, Human Rights and International Relations', *The Review of International Affairs*, Vol. 3, No. 4, Summer 2004, pp. 524-543.

⁸⁷ Elizabeth Economy (2001), p. 251.

⁸⁸ Stuart Harris, 'China and the Pursuit of State Interests in a Globalizing World', *Pacifica Review*, Vol. 13, No. 1, February 2001, pp. 15-29.

governance'. Furthermore, after many years of engagement with the world, whether or not China still views global governance from the Westphalian concept of state sovereignty is of interest. To address these questions, the following section will first look at China's traditional understanding of international order.

An 'Inside-out' Perspective

Until the late Qing dynasty, the Chinese had perceived that China was the middle kingdom, the centre of the universe. In terms of economic, cultural, and political development, it was far more advanced than its neighbouring East Asian countries. This Sino-centric world view had made the Chinese uninterested in the outside world. They 'lived in a world so ordered by China'.⁸⁹ However, its worldview underwent a fundamental change in the nineteenth century, particularly in the wake of its defeat at the end of the Opium War (1839-42), which resulted in the signing of the Treaty of Nanjing. The Treaty not only allowed the British to reside in five Chinese cities (Guangzhou, Fuzhou, Xiamen, Ningbo and Shanghai) for mercantile purposes, but also ceded the Island of Hong Kong to be possessed in perpetuity by the United Kingdom.⁹⁰ Following the Treaty of Nanjing, China was compelled to sign numerous unequal treaties with Western powers between 1840 and 1860. In the 20th Century, China suffered from humiliating defeats at the hands of foreign powers until the end of the Second World War.

The impact of this treaty system to Chinese contemporary history and its foreign policy is momentous. It drew China to experience and to embrace the Westphalian world order. The Westphalian notion of world order, based on sovereign equality, absolute sovereignty and the doctrine of non-intervention into state's domestic politics, was first recognised among European countries in the 1648 Treaty of Westphalia. China was forced to recognise this state-centric, *realpolitik* notion of international

⁸⁹ Yongjin Zhang, *China in International Society since 1949: Alienation and Beyond* (Basingstoke: Macmillan Press, 1998), p. 8.

⁹⁰ Jonathan D. Spence, *The Search for Modern China* (New York: W.W. Norton, 1999, 2nd Edition), pp. 160-166.

order during the Opium War. By the time ‘Western powers brought the idea of nation-state to China’, ‘they were not prepared to recognize China as a sovereign state’.⁹¹ However, ironically China not only learnt about this from the West but also has become one of the staunchest supporters of this Westphalian order since the founding of the People’s Republic of China (PRC) in 1949.⁹² Samuel Kim has concisely summarised the legacies of the 100-year humiliating defeats to contemporary China as:

‘As they [the Chinese] watched their nation sliced up like a melon in imperialist rivalry, they learned the lesson of power in world politics – and that China could not be respected without power. They became equally convinced that Western learning – not just science and technology but also ideas and institutions – was essential if China were to be made powerful enough to compete with Western nations on an equal footing, or even beat them at their own game.’⁹³

Owing to this historical background, a victim mentality is ingrained in the minds of many Chinese leaders in the contemporary era. They are very sensitive to any kind of ‘intervention’ into their territory. Throughout the 1950s and 1960s, China was alienated by international society. It was not regarded as part of the international community and was denied its legitimacy within it.⁹⁴ As a result, China did not feel obliged to participate in the international system. Even after taking over the UN membership from Taiwan in 1971, China has still been very sensitive to any kind of ‘intervention’ into Tibet, Xinjiang and Taiwan. The Westphalian notion of world

⁹¹ Yongnian Zheng, *Discovering Chinese Nationalism in China: Modernization, Identity, and International Relations* (Cambridge: Cambridge University Press, 1999), p. 23.

⁹² Some scholars have examined how the concept of power politics has been internalised in Chinese society. See, for instances, Rana Mitter, ‘An uneasy engagement: Chinese ideas of global order and justice in historical perspective’, in Rosemary Foot, John Gaddis and Andrew Hurrell (eds), *Order and Justice in International Relations* (Oxford: Oxford University Press, 2003), and Shogo Suzuki, ‘China’s perceptions of international society in the nineteenth century: learning more about power politics?’, *Asian Perspective*, Vol. 28, No. 3, 2004, pp. 115-144.

⁹³ Samuel Kim, *China, the United Nations, and World Order* (Princeton, NJ: Princeton University Press, 1979), p. 47.

⁹⁴ Yongjin Zhang (1998).

order is deemed congenial to Chinese national interest and is perfectly reflected in the Five Principles of Peaceful Coexistence, viz. mutual respect for territorial integrity and sovereignty, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence. These principles serve 'as a strategy for resisting neocolonialism and imperialism'.⁹⁵ In short, China's understanding of sovereignty has always clung to the Westphalian definition and resisted any foreign transgression into its domestic affairs.⁹⁶

After more than 100 years' humiliation by Western and Japanese powers before 1949, China defines a just world order not only in terms of anti-imperialism but also through a militarily and economically strong China, showing a 'mixture of victimology and aggrandizement'.⁹⁷ In the contemporary period, in order to fend off attempts by foreign powers to change or 'overthrow' its communist political system, China resorts to the Westphalian notion of world order, which claims that nation-states are independent and are on equal footing, and possess the supreme right to make and enforce laws applying with their territories. The latter refers to the exclusion of external actors from its domestic affairs. For Chinese leaders, it is morally right to resist any intervention in China's internal affairs. Any act to infringe on its national sovereignty is perceived to be unbearable and non-negotiable. Its initial response to the SARS outbreak was such an example.

However, while China expresses a strong desire to be treated as equal in the international society of states and demands equal treatment while participating in international affairs, it persistently claims that it is a developing country and paradoxically demands special treatment in the areas of economic aid and the sharing of global responsibilities (e.g. the Kyoto Protocol). In other words, it wants to be treated as an *unequal*. In Georg Sørensen's word, this is an 'awkward situation'.⁹⁸

⁹⁵ Ronald Keith, *The Diplomacy of Zhou Enlai* (New York: St. Martin's Press, 1989), p. 10.

⁹⁶ Bates Gill, *Rising Star: China's New Security Diplomacy* (Washington, DC: Brookings Institution, 2007), p. 107.

⁹⁷ Rana Mitter (2003), p. 221.

⁹⁸ While describing the special sovereignty game of the least developed states, Georg Sørensen explains that on the one hand, the least developed states demand equal treatment in the international society of states. They claim sovereignty as constitutional independence, which allows the state to have

This awkward stance is likely to create tensions in Chinese external behaviour. How can it maintain autonomy while asking for foreign aid and assistance?

Another impact of China's increased involvement in global governance is that it perceives that the norms and rules underpinning global governance are made in the interests of the pre-eminent powers. It has consistently asserted that the existing international order is unjust and a new and more equitable world order should be created to benefit the Third World. China's dissatisfaction with the existing order has been evident from the discourses among Chinese leaders as well as Chinese scholars. During the Ministerial Conference at the Forum on China-Africa Cooperation in Beijing in 2000, the then president Jiang Zemin proclaimed that the world was highly unequal in development. He called for solidarity among developing countries to craft 'an equitable and just new international political and economic order'.⁹⁹ With a belief that decision-making in international institutions is dominated by and disproportionately represents the interests of the developed countries, resulting in a huge wealth gap between the world's rich and the poor,¹⁰⁰ China calls for a

supreme authority in controlling its domestic affairs. On the other, they claim that they are in an inferior position under the international system. For compensation of their unfair treatment and lack of resources, they demand that they be treated as 'unequals' in the receipt of economic aid and humanitarian relief, etc. Sørensen describes that this as an awkward situation that will eventually create tension to the stability of international order. In order to receive special aid, recipients have to accept outside interference in their domestic affairs as donors will monitor their funds to ensure they are not wasted. Therefore, aid will lead to supervision and intervention. This is the dilemma between developed and the least developed states. See Sørensen, *The Transformation of the State*, especially pp. 116-120.

⁹⁹ Jiang Zemin, *China and Africa-Usher in the New Century Together—Speech by President Jiang Zemin of the People's Republic of China at the Opening Ceremony of the Forum on China-Africa Cooperation* (Forum on China-Africa Cooperation, 10 October 2000). The full text is available at <http://www.focac.org/eng/zyzl/zyjh/t157712.htm> (accessed on 27 March 2006).

¹⁰⁰ Ibid; and a similar statement was also presented by Ambassador Shen Guofang, Deputy Permanent Representative of China to the UN, at the 2nd high-level dialogue on strengthening international economic cooperation for development through partnership, 20 September 2001, available at <http://www.china-un.ch/eng/qtzz/wtothsm/t85634.htm#> (accessed 26 March 2006).

‘democratisation of international relations’.¹⁰¹ Obviously this ‘democratisation’ is targeting the ‘hegemonic’ role of the United States in the international community.

Similar with their Western counterparts, Chinese scholars also conceive global governance as a collection of measures that aim to resolve global issues and to maintain international political and economic order. However, they warn that international organisations, global civil society as well as international regimes and regulatory mechanisms are often subject to enormous influence and even manipulation by the West led by the United States. Developed states might use their might to impede effective global governance. Therefore, the state has to be on high alert to guard against any move that would infringe on national sovereignty and undermine its role in domestic and global governance.¹⁰² The question at issue here is how best to defend sovereignty. Shi Yinhong, Professor of International Relations and Director of the Center for American Studies at Renmin University of China, suggests that as a ‘normal’ state in world politics, China on the one hand pursues its national interests as most countries do; on the other, it needs to accommodate and conform to ‘the common interests defined by the consensus or mainstream opinion in the society of states’.¹⁰³ In outlining China’s ‘diplomatic philosophy’ in the 21st century, Shi further argues that instead of being passively mindful of manipulation by the more powerful states, China should play the role of an innovative state in global governance. Since the world is dominated and controlled by the Western great powers, especially

¹⁰¹ ‘China Urges Strengthening of Effective Global Governance’, *Xinhua News Agency*, 2 October 2000, Internet edition.

¹⁰² Yu Keping, ‘Quanqiu zhili yinlun’ (Introduction to global governance), *Makesizhuyi yu xianshi (Marxism and Reality)*, No. 1, 2002, pp. 20-32; reprinted as ‘Weisheme quanqiu zhili shi biyaodi yu jinpodidi?’ (Why is global governance necessary and pressing?) in Pang Zhongying (ed.), *Quanqiu hua, fan quanqiu hua yu zhongguo: lijie quanqiu hua di fuzaxing yu duoyangxing (Globalisation, Anti-globalisation and China: Understanding the Complexity and Diversity of Globalisation)* (Shanghai: Shanghai renmin chubanshe, 2002), pp. 313-344.

¹⁰³ Shi Yinhong, ‘The Rising China: Essential disposition, Secular Grand Strategy, and Current Prime Problems,’ (Sasakawa Peace Foundation USA Seminar Program, 12 February 2002), pp. 7-8, available at <http://www.spfusa.org/Program/av2001/feb1202.pdf> (accessed on 3 April 2006).

the US, China feels obliged to speak for the interests of the developing world and promote an equitable and reasonable global system.¹⁰⁴

To summarise the Chinese understanding of international order, two points are worth noting here. The first is its deep-rooted concern about any loss of national sovereignty; the second is its perception of and aspirations for the world order. Paradoxically, the more China participates in global governance, the more it perceives that all of the norms and rules embedded in global governance are made in the interests of the West, especially by the liberal democratic countries. What are at issue are whether China's call for a 'democratisation of the international relations' would prompt the country to radically transform the world order and how China would forge ahead with the transformation.

The Evolution of Chinese Perspectives on Global Governance and Global Order¹⁰⁵

Alongside its economic reforms, which started in the late 1970s, China has experimented with a new form of participation in the global system. It has increasingly deepened its integration into the international community, engaged in multilateral cooperation with a multiplicity of actors and demonstrated an increasing willingness to comply with international norms and rules in various policy areas, ranging from arms control, human rights to public health. This section looks at the evolution of Chinese perspectives on global governance and discusses why it has deepened its participation in global governance, particularly since the beginning of the 21st century. As mentioned in Chapter 1, within China, academic views generally reflect the thinking and perspectives of central leaders. David Shambaugh, also agrees that Chinese elite academics have for a long time had a symbiotic relationship with the state and assisted political leaders with elaborating on specifics of new political concepts or ideologies.¹⁰⁶ Seen from this perspective, this section will focus on the

¹⁰⁴ Shi Yinhong (2002).

¹⁰⁵ This section is drawn partly from Lai-Ha Chan, Pak K. Lee and Gerald Chan, 'Rethinking Global Governance: A China Model in the Making?', *Contemporary Politics*, Vol. 14, No.1, 2008, pp.3-19.

¹⁰⁶ David Shambaugh, *Beautiful Imperialist: China Perceives America, 1972-1990* (Princeton NJ: Princeton University Press, 1991), p. 289.

Chinese elite scholars' perspectives on governance and global governance, and compare them with official views.

As illustrated before, a vast amount of literature on the subject of global governance has been generated in the West since the early 1990s.¹⁰⁷ In stark contrast, the notions of 'governance', 'global governance' and 'good governance' did not enter Chinese discourse until the close of the last century. Using 'quanqiu zhili (global governance)' as a keyword to look for articles from the database known as 'China Academic Journals Full-text Database: Economics, Politics and Law (*zhongguo qikan quanwen shujuku: jingji, zhengzhi yu falü zhuandang*)', one finds a total of 481 articles between 1979 and 2007. More than 97% of the articles were published in 2000 and after, and 90% were published between 2002 and 2007. In other words, global governance has become a widely discussed concept in China for a few years only (see Figure 2.2).¹⁰⁸

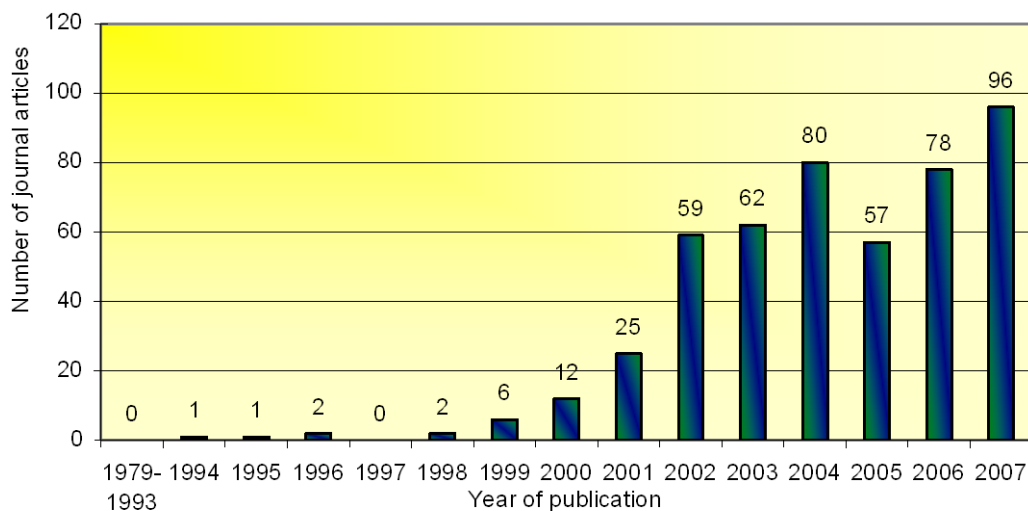


Figure 2.2 Number of Chinese journal articles about global governance, 1979-2007

¹⁰⁷ An international journal, *Global Governance: A Review for Multilateralism and International Organisations*, focusing on this subject, was launched in 1995. In addition, abundant articles and books have been published on the subject. To name but a few, Rosenau and Czempiel (1992); Camilleri and Falk (1992); Falk (1995); Held et al. (1999); Held and McGrew (2002a, b).

¹⁰⁸ The search was done on 2 July 2008.

The evolution of Chinese perspectives on global governance has come under the influence of a 'new security concept' advocated by Chinese leaders since 1996 when China presented a report to the 1996 ASEAN Regional Forum (ARF) Inter-sessional Support Group on Confidence-building Measures in Tokyo in January of the year. Subsequently, leaders and scholars in the country have increasingly used this new security terminology in their speeches and writings. Following an elaboration by the then President Jiang Zemin at the United Nations Conference on Disarmament in March 1999, an official statement was presented to the ARF Foreign Minister's conference in July 2002.

In fact, China's regional engagement policies during much of the 1990s were received with scepticism by some of its Asia-Pacific neighbours, especially in respect to its intentions in relation to military modernisation, the South China Sea and Taiwan. It was deemed as a 'threat' to the region. Obviously Deng Xiaoping's dictum that 'never claiming leadership, hiding capacity and biding time' [*jue bu dangtou; taoguang yanghui*] is no longer helpful to allay the 'threat' concern and to resist the demand for good governance from the international community, particularly in the disclosure of information. In order to shed its negative image while maintaining economic growth and promoting trade, investment and tourism with its neighbours and their people, China realises the need to be a more transparent and responsible stakeholder. As a consequence, Deng's dictum was 'quietly dropped' by the Chinese government at the end of 1990s.¹⁰⁹ Instead, China started to portray itself as a responsible state and a good neighbour. According to some China scholars, the acceptance and adoption of international regulations not only undermines the 'China threat' argument, but also improves the international security environment as well as China's international status. As asserted by Wang Yizhou, Deputy Director of the Institute of World Economics and Politics at the Chinese Academy of Social Sciences (CASS) in

¹⁰⁹ Rosemary Foot, 'Chinese Strategies in a US-hegemonic Global Order: Accommodating and Hedging', *International Affairs*, Vol. 82, No. 1, 2006, p. 85.

Beijing, since the end of the 1990s the Chinese leaders have felt that the time is ripe for China to play a greater and more active role in regional affairs.¹¹⁰

In the 1996 paper on a ‘new security concept’ China identified its security concerns as external imposition of values and ideologies, splitting of China, indiscriminate sanctions against China on international issues, conflicts and wars in the region, and encroachment on its sovereignty, maritime rights and national interests.¹¹¹ With American hegemony as its implicit target, the new security concept calls for using cooperative means to deal with security issues without diluting its state-centric version of international relations.¹¹² It stresses the importance of ‘common security’ as well as using a multilateral approach to manage security threats such as economic security, food security, energy security, financial security, and environmental security. With this new security concept, China began to demonstrate a preference for the multilateral approach to participating in international affairs and to take an active part in international forums and work with various IGOs and NGOs.¹¹³ To put flesh on the bones of this new security concept, the Chinese Ministry of Foreign Affairs further published its Position Paper on enhanced Cooperation in the Field of Non-Traditional

¹¹⁰ ‘Zhongguo waijiao siwei chuxian zhongyao bianhua’ (An important change in China’s Foreign Policy Thinking), *Xinjiang shifan daxue xuebao (Zhaxue shehui kexue ban) (Xinjiang Normal University Journal) (Philosophy and Social Science edition)*, No. 2, 2003, p. 73.

¹¹¹ Reinhard Drifte, *Japan’s Security Relations with China since 1989: From Balancing to Bandwagoning?* (London and New York: RoutledgeCurzon, 2003), pp. 36.

¹¹² As Michael Yahuda notes, the new security concept ‘had an anti-American edge’ at least until 2002. Michael Yahuda, ‘The Evolving Asian Order: The Accommodation of Rising Chinese Power’, in David Shambaugh (ed), *Power Shift: China and Asia’s New Dynamics* (Berkeley, CA: University of California Press, 2005), p. 356.

¹¹³ Wang Yong, ‘Lun zhongguo di xin anquan guan’ (On China’s new security concept), *Shijie jingji yu zhengzhi (World Economics and Politics)*, No. 1, 1999, pp. 42-45; Wang Yizhou, *Tanxun quanqi zhuyi guoji guanxi (International Relations in a Globalized Perspective)* (Beijing: Beijing daxue chubanshe, 2005), p. 126. A study of the concept in Western literature is Wu Baiyi, ‘The Chinese security concept and its historical evolution’, *Journal of Contemporary China*, Vol. 10, No. 27, May 2001, pp. 275-283.

Security Issues in 2002.¹¹⁴ The discourse of global governance among Chinese scholars has, therefore, started flourishing since the beginning of this century.

In the first Chinese article that addresses the issue of global governance squarely, Cai Tuo, Director of the Research Centre on Globalisation and Global Problems at China University of Political Science and Law, defines global governance as:

“A set of new regulations, mechanisms, methods and activities for the administration of the public affairs of man, with the doctrine of holism of mankind and its common interest as the value orientation, and with dialogues, consultations and cooperation on equal footings among multiple actors as the approach so as to deal with global changes as well as global problems and challenges facing the contemporary world.”¹¹⁵

The emphasis on ‘dialogues, consultations and cooperation’ ties in well with China’s diplomatic approach in recent years to resolving international problems through peaceful means. However, while the definition points to ‘dialogues, consultations and cooperation on equal footings among multiple actors’, the Chinese approach to international relations is still coloured by state-centrism, which highlights the predominant role of sovereign states in global governance. Implicit to this approach is the understanding that all non-state actors have to rally around and are subordinate to the state and state behaviour. In addition, Cai points out that China’s participation in global governance has impaled it on the horns of a dilemma. On the one hand, due to its rising and yet limited power in global politics, China tends to take a prudent and low-profile position in international affairs and works with the established frameworks of international organisations and multilateralism. On the other, as a developing country, it finds ‘the existing international order profoundly unjust’.¹¹⁶ While participating in global governance, China feels a need to safeguard national

¹¹⁴ ‘China’s Position Paper on Enhanced Cooperation in the Field of Non-traditional Security Issues’, <http://www.fmprc.gov.cn/eng/wjzjg/gjs/gjzzyhy/2612/2614/t15318.htm> (accessed 3 April 2007).

¹¹⁵ Cai Tuo, ‘Global Governance: the Chinese Angle of View and Practice’, *Social Sciences in China*, Vol. 25, No. 2, 2004, p. 57.

¹¹⁶ Cai Tuo (2004), ‘Global Governance’, p. 58.

sovereignty and to be mindful of manipulation by the more powerful actors in the international system.

As a result, the Chinese approach to global governance is always coloured by state-centrism and emphasizes the importance of the role of IGOs in global governance. While China shares the objectives, channels and targets of global governance with most of the discussion in Western literature, Chinese scholars tend to associate global governance with the management of global issues by IGOs or even equate global governance with the activities of IGOs.¹¹⁷

Seen from this perspective, Chinese scholars advocate that the UN should shoulder the principal responsibility of global governance. Even though they are aware that power in all of the extant international institutions is vested in the predominant Western powers, they feel that the UN, with its Charter based on the principles of national sovereignty, should be the major existing international security regime in managing global issues. At the very least all states, developed or underdeveloped, powerful or weak, are on equal footing under the UN Charter. With the privileged power to veto in the Security Council, China is also largely satisfied with the UN-based, state-centric international order. What China disagrees with in the existing world order is, according to the then President Jiang Zemin, that '[h]egemonism and power politics exist'. He suggests that in a new world order, 'all countries should be ensured their right to participate in international affairs on an equal footing'.¹¹⁸ This official view was echoed by Chinese scholars in Beijing, such as Yang Chuang and Men Honghua, who maintain that China is not going to revolutionise the international

¹¹⁷ Sun Hui and Yu Yu, 'Guoji zhengfu zuzhi yu quanqiu zhili' (Intergovernmental Organisations and Global Governance), *Tongji daxue xuebao (shehui kexueban) (Tongji University Journal (Social Science section))*, Vol. 15, No. 5, October 2004, 48-53, 71; and Wang Miao, 'Quanqiu zhili zhong di guoji zuzhi – yi shijie weisheng zuzhi duikang SARS wei anli' (International Organisations and Global Governance: A Study of the World Health Organization in Fighting SARS), *Jiaoxue yu yanjiu (Pedagogy and Research)*, No. 9, September 2003, 36-41.

¹¹⁸ Jiang Zemin, *China and Africa-Usher in the New Century Together—Speech by President Jiang Zemin of the People's Republic of China at the Opening Ceremony of the Forum on China-Africa Cooperation* (Forum on China-Africa Cooperation, 10 October 2000). The full text is available at <http://www.focac.org/eng/zyzl/zyjh/t157712.htm> (accessed on 27 March 2006).

order or ‘set up a separate kitchen’ (*ling qi luzao*), but rather to perfect it and make it fairer.¹¹⁹

In summary, since China rejoined the world, it has developed a multifaceted identity: it is a socialist country but with Chinese characteristics; it is a sovereign state in the strict Westphalian sense; it is the most populous developing country; and it is a potential responsible world power.¹²⁰ All of these are in line with its deep-rooted concern about national sovereignty and manipulation by the most powerful states in the West. In order to fend off the ‘China threat’ argument and to showcase its global responsibilities, China has deepened its engagement in the international society since the end of the 20th century. However, its participation in global governance is still largely predicated in state-led governance.

Chinese Understanding of Sovereignty in the 21st Century¹²¹

China’s proactive engagement with the rest of the world takes place when the concept of global governance and the conceptualisation of national sovereignty in the West are being transformed from Westphalian ‘international’ politics to post-Westphalian ‘global’ governance and from ‘non-intervention’ to ‘humanitarian intervention’ as well as stressing ‘human security’ over ‘national security’. This global engagement has resulted in a conflicted encounter between the Chinese conception of the

¹¹⁹ The Chinese proverb ‘*Ling qi luzao*’ (setting up a separate kitchen) refers to the attempts to start all over again. Yang Chuang, ‘Guanyu zhongguo de waijiao zhanlue yu guoji zhixu lilun’ (China’s Diplomatic Strategy and International Relations Theory), *Waijiao xueyuan xuebao (Journal of China Foreign Affairs University)*, No. 78, December 2004, pp. 22-29; and Men Honghua, ‘Zhongguo jueqi yu guoji zhixu’ (The rise of China and international order), *Taipingyang xuebao (Pacific Journal)*, No. 2, 2004, pp. 4-13. Reprinted in Qin Yaqing (ed), *Zhongguo xuezhe kan shijie 1: guoji zhixu juan (World Politics – Views from China, Vol. 1, International Order)* (Hong Kong: Heping tushu youxian gongsi, 2006), pp. 305-325.

¹²⁰ Tiejun Zhang, ‘Self-Identity Construction of the Present China’, *Comparative Strategy*, Vol. 23, No. 3, 2004, pp. 281-301.

¹²¹ Part of this section draws and elaborates on Lai-Ha Chan, Pak K. Lee and Gerald Chan, ‘Rethinking Global Governance: A China Model in the Making?’, *Contemporary Politics*, Vol. 14, No.1, 2008, pp.3-19.

Westphalian state and national sovereignty and the emerging global norms and rules. It has subsequently stirred up debates among Chinese scholars and policymakers about this long-standing concept since the dawn of this century. How does China respond to the changing conceptualisation of national sovereignty in the West? Would it adapt to the West's changing conceptualization of global governance or insist on its own philosophy of development?

Sovereignty Entails Responsibility?

Views on national sovereignty, in fact, diverge among Chinese scholars within the country. Since the mid-1990s, some prominent Chinese IR scholars have called for a flexible, 'progressive' and inclusive conceptualisation of sovereignty in order to pursue China's national interests in a more effective way.

In his discussion about the relationship between infectious diseases and non-traditional security issues, Wang Yizhou posits that it would be sensible for China to adopt a flexible and 'progressive' approach to understanding sovereignty in the age of globalisation.¹²² He suggests that 'one of the characteristics of the traditional concept of sovereignty is to stress the supremacy of the national interests'. While the traditional concept of security needs to be enriched, the notion of sovereignty also needs to be enhanced by entrusting it with more connotations. The traditional notion of sovereignty proclaims the centrality of the principle of non-intervention in internal affairs without considering that the authority of the state is derived from the consent of its citizens. Therefore, the concept of sovereignty should be understood at two different levels. Externally the state still upholds the principle of non-intervention;

¹²² Wang Yizhou, 'Shuli shiji zhijiao de xin zhuquan guan' (Cultivating a New Concept of Sovereignty in a New Century), *Liaowang (Outlook)*, No. 29, 17 July 2000; idem, 'Mianxiang 21 shiji de zhongguo waijiao: san zhong xuqiu de pingheng' (China's Diplomacy for the 21st Century: Balance Among Three Demands) *Duiwai dai chuanbo (International Communications)*, Vol. 8 & 9, 2006; and idem, 'Zhuquan fanwei zai sikao' (Rethinking the Scope of Sovereignty), *Ouzhou (Europe)*, No. 6, 2000. The last paper was reprinted in *World Politics: Views from China (2006)*, Vol. 2, pp.127-142. Idem, 'SARS yu fei chuantong anquan' (SARS and Non-Traditional Security), in his website <http://iwep.org.cn/chinese/gerenzhuye/wangyizhou/index.htm> (accessed 1 April 2007).

however, domestically it should be bound to the obligation to protect human rights of the local populace. Failure to respect, defend and promote human rights within one's territory would call into question the legitimacy of the state. He emphatically advocated this during the SARS outbreak.¹²³ This idea is closer than many other Chinese analysts' positions on the UN notion of 'responsibility to protect'.

While China is taking a more flexible and inclusive approach to understanding the notion of sovereignty, some elements of the conventional understanding persist. While Wang suggests a flexible and 'progressive' approach to comprehend the notion of sovereignty, he simultaneously warns that China needs to defend against the erroneous idea that human rights can 'override sovereignty' or that 'human rights matter more than sovereignty', which, he alleges, have been ardently promoted by Western powers in order to maintain their dominance. In other words, at the external level, particularly regarding inter-state relationships, China needs to maintain a defensive approach. The principle of non-intervention still 'remains the foundation stone of world politics'.¹²⁴

In addition, China's absolute claims to sovereignty over Taiwan remain pronounced. Its bilateral relations with other states are predicated on their acknowledgement of China's de jure sovereignty over Taiwan (i.e. the one China principle). Any proposals which suggesting 'one China, one Taiwan' or 'two Chinas' are intolerable for Beijing. After the return of Hong Kong and Macau to Chinese sovereignty, the final goal for the Chinese government is reunification with Taiwan. Although China has emphasised its ultimate goal of peaceful reunification, it has never committed itself to giving up the use of force to deter any external intervention or independence movement which would separate Taiwan from China.¹²⁵ Its attempt to exclude Taiwan from the World Health Organisation (WHO) further exemplifies China's uncompromising stance on the principle of territorial integrity and supreme power over its people and territory. Since 1972, Taiwan has been excluded from the World Health Assembly – the policymaking body of the WHO – due to the 'one China

¹²³ Wang, 'SARS and Non-Traditional Security'.

¹²⁴ Wang, 'Rethinking the Scope of Sovereignty' and 'China's Diplomacy for the 21st Century'.

¹²⁵ Wang, 'China's Diplomacy for the 21st Century'.

policy' and political pressure from Beijing. So far Taiwan's annual attempts to join the World Health Assembly as an observer since 1997 have failed.¹²⁶ The SARS outbreak in 2003 raised a concern, particularly from Taiwan, about political intervention in providing global public goods for health.

Likewise, because of its sensitivity to foreign interference into its internal human rights problems, including religious freedom, the Chinese government has not yet formally and officially endorsed the notion of 'human security'.¹²⁷ It is 'almost non-existent' in the Chinese discourse as Chu Shulong, Director of the Institute of Strategic Studies at Tsinghua University, plainly indicates that since 1949, the Chinese government, as well as intellectuals, have thought little about security beyond the national level. Under the umbrella concept of national security, there are discussions about 'human safety', instead of 'human security'. Therefore, the notion of human safety is more prevalent in Chinese society than human security.¹²⁸ It is no wonder that while the UN General Assembly and the ICISS have adopted the notion of 'responsibility to protect' since the end of the 20th century, the Chinese have rarely discussed it. A Chinese survey of the national literature on the study of national sovereignty in the period 1995-2005 makes little mention of the notion of 'responsibility to protect' in the country. Neither is the background to the emergence of the new norm of humanitarian intervention given attention.¹²⁹

¹²⁶ 'Taiwan's Bid to Join WHO Rejected', *China Daily*, 23 May 2006; Chen Shui-bian, 'The Shunning of a State', *Washington Post*, 11 May 2007; Lawrence Chung, 'Ma's Team Will Face a Challenging Time', *South China Morning Post*, 21 May 2008.

¹²⁷ Since 2000, the State Council of the PRC has so far issued four white papers on National Defense. None of them has mentioned and used the term 'human security'. The four white papers can be found at:<http://www.fas.org/nuke/guide/china/doctrine/cnd0010/china-001016wp.htm>;
<http://english.peopledaily.com.cn/whitepaper/home.html>;
<http://www.fas.org/nuke/guide/china/doctrine/natdef2004.html>; and
<http://www.fas.org/nuke/guide/china/doctrine/wp2006.html> (accessed 16 September 2007).

¹²⁸ Chu Shulong, 'China and Human Security', *North Pacific Policy Papers No.8* (Vancouver: Institute of Asian Research, University of British Columbia, 2002), p. 4.

¹²⁹ Wang Jun, 'Zhongguo de zhuquan wenti yanjiu' (Chinese Research on Sovereignty), in Wang Yizhou and Yuan Zhengqing (eds), *Zhongguo guoji guanxi yanjiu (1995-2005) (International Relations Studies in China, 1995-2005)*, pp. 341-369. The notion and the Rwandan crisis are only slightly touched on by Wang Yizhou in his introduction to the edited volume on page 28.

Furthermore, China has showed that it is one of the most passionate defenders of the doctrine of non-intervention at the ICISS Roundtable Discussion on Humanitarian Intervention. In preparing its report on humanitarian intervention, the ICISS held a number of roundtable consultation meetings around the world. According to Ramesh Thakur, a member of the ICISS, the strongest opposition against intervention was made by the Chinese in the Beijing consultation in June 2001. The Chinese argued that “humanitarianism is good, interventionism is bad, and ‘humanitarian intervention’ is ‘tantamount to marrying evil to good’”.¹³⁰ On the one hand, China, emphasises the need for humanitarian assistance (not humanitarian intervention), on the other hand, it is mindful of any infringement in any state’s territorial integrity. The principle of non-intervention is still a cornerstone of world politics in the Chinese mindset.

Embracing Multilateralism and Non-State Actors in Global Governance?

In describing its participation in regional institutions, Alastair Iain Johnston and Paul Evans argue that up to 1995, China’s participation in regional institutions was ‘a combination of sceptical, reluctant and defensive’ approach. It joined organisations mainly because it was worried that other states would take collective action against or contain it. However, since the mid-1990s, China has become ‘more positive and enthusiastic’ about taking part in multilateral institutions.¹³¹ Su Changhe of Shanghai International Studies University holds that the increased need to address global public issues whose resolution requires global cooperative action pushes China into accepting multilateralism and international regimes. In the engagement process, China has gradually modified its exclusive view of national sovereignty. Although he does

¹³⁰ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006), pp. 268-269.

¹³¹ Alastair Iain Johnston and Paul Evans, ‘China’s Engagement with Multilateral Security Institutions’, in Alastair Iain Johnston and Robert S. Ross (eds), *Engaging China: the Management of an Emerging Power* (London: Routledge, 1999), p. 258.

not elaborate on the change, he refutes the allegation that China is the staunchest fortress of the Westphalian world order.¹³²

Yu Zhengliang and his associates at Fudan University in Shanghai suggest that because of the powerful influence of globalisation, international relations should move away from the Westphalian notion and ultimately should take the form of ‘global co-governance’ (*quanqiu gongzhi*), in which a wide array of actors, not restricted to nation-states, manage issues of common concern in multilateral institutions and international treaties. This idea resembles the proposition of ‘enlarging global public domain’ and embracing multilateralism in world politics. But China’s feeling towards global governance is ambivalent. While it is generally agreed that sovereign states cannot solve all of the global problems unilaterally in a globalised world, the idea of ‘governance *without* government’ tends to vex the Chinese leaders. The involvement of multiple external actors into its country will potentially attenuate its sovereign authority, which the Chinese Communist Party would find it too much to swallow. Therefore, while they are promulgating ‘global co-governance’, they also carefully stress that before the world becomes fully globalised, global governance should still maintain the form of inter-state multilateral cooperation. They coin the concept of ‘state co-governance’ (*guojia gongtong zhili*), which in effect means that governance is to be accomplished among states through multilateral institutions, with great powers assuming principal responsibility for institutional redesign. They argue that ‘state co-governance’ should be the first and primary form of global governance before the ultimate goal of ‘global co-governance’ can be achieved.¹³³ However, they did not elaborate any further on when is ripe for ‘global co-governance’.

Liu Dongguo of Renmin University of China, Beijing, holds that the demand for global governance is in conflict with the prevailing world order. To establish global

¹³² Su Changhe, ‘Shijie zhengzhi de zhuanhuan yu Zhongguo waijiao yanjiu zhong de wenti’ (The Transformation of World Politics and Issues of Chinese Foreign Policy Research), *Jiaoxue yu yanjiu* (*Pedagogy and Research*), No. 11, 2005, pp. 32-35.

¹³³ Yu Zhengliang, Chen Yugang and Su Changhe, *21 shiji quanqiu zhengzhi fanshi* (*A Study of Global Politics Paradigms in the 21st Century*), (Shanghai: Fudan daxue chubanshe, 2005), pp. 237-252.

governance, new ideas have to be constructed. The first step towards establishing a new world order is to reform the age-old doctrine of national sovereignty and to allow the participation of an extensive array of non-state actors.¹³⁴ Although Liu does not dwell at length on whether and how the construction of new ideas about global governance is under way in China, the inclusiveness of non-state actors in global governance is akin to the transformative approach of enlarging the global public domain. Global governance, seen from this perspective, moves from the governmental to non-governmental realm and from the state to social sphere. Therefore, it is no wonder that over the last decade, China's participation in multilateral dialogues and its cooperation with other countries and international institutions in relation to global issues have increased rapidly. China's participation in intergovernmental organisations (IGOs) and international non-governmental organisations (INGOs) has grown remarkably from only being involved with one and 58, respectively, in 1966 to 46 conventional IGOs and 1,612 conventional INGOs in 2004.¹³⁵

Therefore, one cannot answer in the affirmative the question of whether the Chinese approach to international relations has shifted to multilateralism with an inclusiveness of non-state actors in its governance. On the one hand, China has deepened its engagement with various organisations, particularly with IGOs, and involved multiple actors in its domestic affairs. On the other hand, the suggestion of 'state co-governance' has showed that the Chinese approach to global governance is still conditioned by state-centrism. Hu Jintao's recent suggestion of building a 'harmonious world' (*hexie shijie*), which will be discussed in more detail later, shares the same logic of the Westphalian international system by placing emphasis on the Five Principles of Peaceful Co-existence. Although China has allowed the involvement of various actors inside the country in its economic and social development, all non-state actors, particularly NGOs, have to rally around and relate

¹³⁴ Liu Dongguo, 'Quanzhou zhili zhong de guannian jiangou' (The Construction of Ideas in Global Governance), *Jiaoxue yu yanjiu (Pedagogy and Research)*, No. 4, 2005, pp. 41-46.

¹³⁵ *The Yearbook of International Organisations: Guide to Global and Civil Society Networks, 2005-2006*, (München: K.G. Saur, 2005), Vol. 5, Figure 2.1.1, p. 45.

themselves to the state and state behaviour.¹³⁶ The Chinese discourse on how to engage with INGOs as well as domestic NGOs is at best vague.

Chinese Conception of Good Governance Practice: Intervention in New Clothes?

It is quite fair to assert that China has yet to embrace the notion of good governance which has been touted by the West and intergovernmental organisations. Among Chinese scholars, only a few of them have introduced the notion of good governance to the Chinese audience. Yu Keping is one of them.¹³⁷ According to Yu, good governance is composed of ten elements: legitimacy, rule of law, transparency, accountability, responsiveness, effectiveness, civic participation, stability, cleanness (free of corruption), and justice. China claims that it has already done fairly well in promoting good governance.

Both the Asian financial crisis of 1997-98 and the following SARS outbreak of 2002-2003 posed a difficult dilemma for China's foreign policy. On the one hand, it had to maintain economic growth by deepening its economic ties with the world; on the other, calls for good governance from the international community were white-hot. To shore up the internal and external legitimacy of the authoritarian regime, it faced an uphill battle to avoid being seen as an existential threat to human lives and economic growth of its country as well as the world.

Chu Shulong states that 'the Chinese recognise that in times of integration and globalisation, nations and peoples around the world will gain more than they will lose from changing their traditional positions on national security'.¹³⁸ He wrote while China was negotiating its membership of the WTO that if China wanted to integrate into the international community and benefit from that integration and globalisation,

¹³⁶ Wang, 'China's Diplomacy for the 21st Century', p.5.

¹³⁷ Yu Keping, *Minzhu Yu Tuoluo (Democracy and Top)* (Beijing: Beijing daxue chubanshe, 2006), pp. 77-106; idem, *Minzhu shi ge hao dongxi: Yu Keping fangtanlu (Democracy is a Good Thing: Dialogue with Professor Yu Keping)* (Beijing: Social Sciences Academic Press, 2008), 2nd edition.

¹³⁸ Chu, 'China and Human Security', p.25.

‘China [had] to give up some of its sovereign rights’.¹³⁹ For example, membership of the WTO requires China not only to adhere to the rules of the organisation but also to rewrite part of its domestic regulations in order to fit in with the organisation’s requirements. In other words, China has to comply with, even if it has not yet been socialised into, the international norms and regulations. The demands for fighting corruption and increased transparency are in consonant with the paradigm of good governance, strongly advocated by the West in eradicating poverty and promoting development.

Although China has made hard efforts to respond to the external demands for good governance, it does not fall into step with its Western counterparts in attaching the political conditionality of good governance to foreign aid. Adhering to the doctrine of non-intervention in domestic affairs and being at odds with the orthodoxy of good governance, China has set out the framework of offering ‘no-strings-attached’ financial aid and technical support to the Third World. China’s aid to African countries includes infrastructure building, as well as medical cooperation. In the areas of public health, since 1964 China has deployed over 15,000 doctors to more than 47 countries in Africa (this point will be elaborated in Chapter 5).¹⁴⁰ It has been argued that the provision of ‘no-strings-attached’ financial and technical aid is more appealing and welcome by many African countries that are reluctant to implement liberal economic and political reforms. For example, Angola has found China ‘a more supportive and less critical partner’ than the International Monetary Fund.¹⁴¹ However, the former president of the World Bank, Paul Wolfowitz, criticised China and its banks for not adopting responsible lending principles, viz the ‘Equator Principles’.¹⁴²

¹³⁹ Chu Shulong, ‘China, Asia and Issues of Intervention and Sovereignty’, *Pugwash Occasional Papers*, Vol. 2, No. 1, January 2001, www.pugwash.org/publication/op/opv2n1.htm (accessed 18 March 2007).

¹⁴⁰ Drew Thompson, ‘China’s Soft Power in Africa: From the ‘Beijing Consensus’ to Health Diplomacy’, *China Brief*, Vol. 5, Issue 21, 13 October 2005, http://jamestown.org/images/pdf/cb_005_021.pdf (accessed 28 August 2007).

¹⁴¹ John Reed, ‘China on Track to Win Friends in Oil-Rich Angola’, *Financial Times*, 4 March 2006.

¹⁴² The Equator Principles are a voluntary code of conduct, launched in 2003, designed to introduce good corporate governance by pledging that projects financed by private bank lending should meet certain human rights and environmental standards. See Françoise Crouigneau and Richard Hiault,

In addition, China's restriction on press freedom is another vivid example of its limitations on following the principle of good governance, particularly in the area of transparency. The clampdown in July 2007 of an influential NGO newsletter, *China Development Brief*, specialising in the work of foreign and domestic NGOs in China shows that Beijing is still far from embracing the principles and practices of good governance. Given that the subscribers of the newsletter include UN agencies, the World Bank, the International Monetary Fund, the European Union, the Asian Development Bank and various national aid agencies, the newsletter was widely viewed as an important forum for the exchange of information among the development agencies, as well as a bridge between all NGOs in China and the outside world. The closure of the publication has raised wariness about press freedom and the legal status of civil society institutions in China.¹⁴³

In summary, the emphasis on 'human safety' and 'humanitarianism' rather than 'interventionism' seems to suggest that it is not a problem at all for the Chinese authorities to accept the idea of protecting the lives of their people. However, if we pay more attention to the Chinese discourse on global governance, it is not hard to find out that the smell of traditional statism lingers in its conceptions of governance and national sovereignty, particularly in the territorial and jurisdictional dimensions. A Chinese saying – '*meiyou guo, nayou jia*' (without the state, how can we have our family?) – has been deeply implanted in many Chinese minds. The logic of this saying is that national sovereignty must always be given the highest priority. Without national sovereignty being secured, the argument goes, the Chinese will never enjoy any individual security at all.

'Wolfowitz Slams China Banks on Africa Lending', *Financial Times*, 24 October 2006; and 'Wolves in Africa', *Financial Times*, 25 October 2006.

¹⁴³ Jonathan Watts, 'Briton Fears Deportation after Chinese Media Clampdown: Newsletter Closure Raises Concerns Prior to Olympics Influential Briefing Links Non-Governmental Groups', *The Guardian*, 12 July 2007; and Tanja Vestergaard, 'NGO Newsletter Closed in Chinese Government Crackdown on Outspoken Civil Society Institutions', *Global Insight Daily Analysis*, 12 July 2007.

Conclusion

Global governance can be deemed as a 'system of rule' for establishing world order. A stable international order can be achieved if the order is maintained as a hegemonic order or legitimate order or by a balance of power. For the former two forms of international order, there is a general consensus about the rules of the game as well as the underlying values of the international order. However, if there is any grievance towards the prevailing order, changing relations between the pre-eminent power and the emerging power will likely disrupt the order. The dissatisfied rising power may resort to revolutionary foreign policy to alter the existing international order after a set of cost and benefit calculations.

There is little dispute that China has increasingly integrated itself into the international system and that China has remarkably increased its presence in various international organisations and regimes. One can summarise Chinese perspective on global governance and international order by addressing the questions: who makes the rules of governance, how, in whose interests and for what ends? With a lingering suspicion of great powers' hegemonism and imperialism, China's approach to global governance remains fundamentally state-centric. It has to safeguard its national sovereignty from external interference. Wary of the possible loss of the country's national sovereignty, the Chinese tend to attach significance to *intergovernmental* organisations in managing global issues. While admitting a multiplicity of actors, all non-state actors play at best an auxiliary role to the state. Its embrace of multilateralism and grudging inclusion of non-state actors is better understood as part of its adaptive *realpolitik* strategy to reap the material benefits of economic globalisation and to hedge against the US-dominated global governance in a non-adversarial way.

China's rational approach to global governance prompts it to deal with globalisation and its impact by participating in multilateral institutions. By increasing its participation in international institutions, it is believed that the benefits accrued by the country outweigh the costs involved. Despite showing a more pragmatic approach towards multilateralism, the Chinese notion of national sovereignty still insists on the principle of non-intervention in internal affairs and the principle of equality of states.

A highly consistent theme of China's participation in global governance is its serious concern about the ulterior motives of the Western efforts to promote global governance, especially on the suggestion of 'governance *without* government'. While China tends to use participation in global governance as a tool to constrain US hegemony, it simultaneously associates global governance with the management of global issues by IGOs. To that end, a 'state *co*-governance', not 'global co-governance', is promulgated as the primary form of global governance.

The 'new' understanding of sovereignty in the West, and the concept of responsibility to protect entered the Chinese discourse on sovereignty only recently. The new thinking has not yet been reflected in any observable changes in its national policy. In defiance of the calls for good governance from the West, China refrains from taking any political conditionality in its offer of aid and loans to Third World countries. Its provision of 'no-strings-attached' financial and technical aid to the African countries has been strongly criticised by the international community. In a nutshell, under the façade of deepening participation, China does not share much of the fundamental norms and rules underpinning global governance. With its rising power, will China make and enforce new rules and principles of global governance and for what ends? These are the questions to be addressed in the following chapters. The next chapter will use HIV/AIDS as case study to examine China's engagement with the global health regime, its consequences and the implications of this engagement for world order.

Chapter 3 China and Global Health Regime

Medical education should be reformed ... Medical schools do not have to admit only senior middle-school graduates; it is quite proper to take in third-year children from junior schools. The main point is to raise their standard during practice. The physicians trained this way may not be very competent, but far better than fake doctors and witch doctors. Furthermore, villages can afford them.

Mao Zedong, 1965¹

Realization of human rights and fundamental freedoms for all is essential to reduce vulnerability to HIV/AIDS. Respect for the rights of people living with HIV/AIDS drives an effective response.

United Nations General Assembly, 2002²

Perhaps Mao Zedong in the revolutionary era never had any notion of what public good for health really meant. However, from the above quote, it is obvious that he realised that public healthcare services should be accessible to all citizens, the rich and the poor. Under his cradle-to-grave government-subsidised healthcare system, the government bore the responsibility to provide basic health services, allowing Chinese citizens to enjoy various types of basic health care. As a socialist country, China provided its citizens with the means to meet their essential social needs, ranging from work to education to health care, until after the launch of economic reforms and the open door policy in the late 1970s. During Mao's planned economy period, China's health policies emphasised wide entitlement and access to medical care. The government played a dominant role in providing all citizens with a widely-covered

¹ Quote in Jerome Chen (ed), *Mao Papers: Anthology and Bibliography* (London: Oxford University Press, 1970), p.100.

² United Nations, *Declaration of Commitment on HIV/AIDS* (UN General Assembly, June 2002), p. 24; available at http://data.unaids.org/publications/irc-pub03/aidsdeclaration_en.pdf (accessed 15 April 2008).

medical system. At that time, more than 90% of China's population was covered by a comprehensive government-subsidised healthcare system.³

In urban areas, most state-owned enterprises provided medical care for their workers. In rural areas, the provision of rudimentary training for village medical practitioners or so-called 'barefoot doctors' saw 94% of China's villages covered by a cooperative medical scheme.⁴ They operated reasonably decent vaccination programmes and preventive care in villages, including those in remote areas. Although 'barefoot doctors' could only provide basic health services, the general public health situation in China improved rapidly. Life expectancy increased to 68 years in 1985 from 35 years in 1952. During the same period, infant mortality dropped from about 250 per 1000 live births, to 34 per 1000 during the same period.⁵ With a high level of government intervention, various virulent infectious diseases were almost basically eliminated or effectively controlled. Among developing countries, China's healthcare system was comparatively more equitable and effective in the provision of basic medical care for urban and rural areas. China's healthcare system won extensive acclaim from international organisations and was often praised as a model for the Third World.

However, in sharp contrast to the stunning success of economic reforms, China's public health reforms have left the country with a backward public health system. With Deng Xiaoping's dictum, 'to get rich is glorious', the government acted single-

³ Betty Ho and Thomas Tsai, 'The Chairman and the Coronavirus: Globalisation and China's Healthcare System', *Harvard International Review*, Vol. 25, No. 4, Winter 2004, pp. 28-31.

⁴ In 1969 a Rural Cooperative Medical System was initiated in villages in China. As a result of this medical system, there was a huge demand for medical practitioners but the supply was not enough. In order to solve this problem, 'production teams' in the villages could recommend some peasants' children receiving short-term medical training courses at medical schools at the provincial level. After the training, they were sent back to villages as medical practitioners and provided some basic medical services. Peasants called them 'barefoot doctors'. In 1974, there were roughly one million 'barefoot doctors' in China. *Shijie zhishi (World Affairs)*, 1 September 2005, p. 29; David Blumenthal and William Hsiao, 'Privatization and its Discontents - The Evolving Chinese Health Care System', *The New England Journal of Medicine*, Vol. 353, No. 11, 15 September 2005, pp. 1165-1170.

⁵ Liu Yuanli, 'China's Public Healthcare System: Facing the Challenges', *Bulletin of the World Health Organization*, Vol. 82, No. 7, July 2004, pp. 532-538.

mindedly in pursuit of economic development, to the detriment of social infrastructural development. The Chinese leaders viewed public health as a commodity whose provision should be provided by market forces. With this kind of philosophy, public health was given only a relatively low priority in the government's national development plan. As a consequence, China's current healthcare system became one of the worst in the world on the dimension of fairness of financial contribution. The deficiencies are increasingly evident with the onset of globalisation. This increased awareness that contagious diseases would pose a threat to the wellbeing of the population of China as well as the rest of the world has led to calls, inside and outside China, for the country to increase its engagement with global health governance.

This chapter will proceed in three sections. First, it will illustrate the elements of the global health regime in HIV/AIDS. Section 2 will explore what constitutes a responsible government in health. To further demonstrate the rationale for studying China's response to HIV/AIDS, section 3 will provide a succinct illustration on China's emerging response to HIV/AIDS since the dawn of this century both inside and beyond its borders.

HIV/AIDS and the Elements of Global Health Regime

As discussed in Chapter 1, globalisation has accelerated the movement of infectious diseases across national boundaries. Public health is considered a transnational security issue with global dimensions. It is at the forefront of the study of global politics and global governance in the 21st century. The spread of HIV/AIDS is one of the most serious and rapidly growing non-military threats resulting in numerous victims that threaten to weaken the socio-economic foundations of states. From 1981, when the first case of AIDS was identified, to 2007, the AIDS pandemic had led to more than 25 million deaths.⁶ By the end of 2007, 33.2 million people were still living with HIV/AIDS. With more than 2 million deaths and another 2.5 million HIV infections in 2007, specialists have calculated that everyday more than 5,700 people

⁶ *World Wide HIV/AIDS Statistics*; available at <http://www.avert.org/worldstats.htm> (accessed 18 May 2008).

die and over 6,800 people become infected with the epidemic.⁷ It has been shown that AIDS is killing more people each year than any other infectious disease and its destruction is sometimes more serious than the effects of war.⁸ The world's largest humanitarian organisation – International Federation of Red Cross and Red Crescent Societies (IFRC) – has also departed from its traditional focuses on natural disasters and warns in its *World Disasters Report* in 2008 that the HIV/AIDS epidemic is ‘a disaster on many levels’. In the most affected countries in sub-Saharan Africa, prevalence rates can reach 20%. As a result of these man-made and ‘natural’ disasters, life expectancy has already halved and development gains have gone in reverse.⁹ Sadly, an HIV vaccine, which could protect people either from infection or the onset of AIDS, has so far not been developed. The recent failure of a clinical trial of the most promising experimental vaccine by the drug company Merck & Company at the end of 2007 has made most scientists believe that an HIV vaccine is still far away. A survey by the *Independent*, a newspaper in the UK, of 35 leading HIV/AIDS scientists in Britain and the United States found that two-thirds of them believed that an HIV vaccine would not be possible in the coming 10 or 20 years. Some of them even

⁷ UNAIDS and WHO, *The 2007 AIDS Epidemic Update* (UNAIDS/WHO, November 2007), p.4; available at http://www.unaids.org/en/HIV_data/2007EpiUpdate/default.asp (accessed 21 November 2007).

⁸ According to the WHO, a total of 308,000 people died in Africa in 1998 because of wars, but HIV/AIDS killed more than 2 million that year. See World Health Organization, ‘Scaling Up the Response to Infectious diseases: A Way Out of Poverty’, 2002; available at <http://www.who.int/infectious-disease-report/2002/framesintro.html> (accessed on 24 April 2008). In addition, because one-quarter of the adult population in South Africa is HIV positive, its ability to participate in international peacekeeping is limited. More than two million orphans are without homes. See Jennifer Brower and Peter Chalk, *The Global Threat of New and Reemerging Infectious Diseases: Reconciling U.S. National Security and Public Health Policy* (Santa Monica, CA: RAND Corporation, 2003), p. xiv.

⁹ International Federation of Red Cross and Red Crescent Societies, *World Disasters Report: Focus on HIV and AIDS* (Geneva: International Federation of Red Cross and Red Crescent Societies, June 2008), p. 8; the full report is available at <http://www.ifrc.org/Docs/pubs/disasters/wdr2008/WDR2008-full%20report-LR.pdf> (accessed 27 June 2008).

believe that an effective immunization against the virus may be ‘a mission impossible’.¹⁰

For a long time, there was a stereotype that the HIV/AIDS crisis only existed in sub-Saharan Africa. However, owing to the accelerating process of globalisation, the transmission of the virus across borders has increased rapidly. Since the late 1980s, the epidemic began to spread to Asia and Central and Eastern Europe. Nowadays, it has spread to all continents and remains a great scourge of humankind. As mentioned in Chapter 1, the prevention and containment of infectious diseases is considered a global public good for health.¹¹ Any belated response or negligence in the prevention and containment of infectious diseases can be deemed to be a global public bad. The Constitution of the WHO has also explicitly states that:

‘The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition’.¹²

In other words, access to primary health care and services are fundamental rights. The right to health is the right of everyone. However, the incentive to ‘free-ride’ in the supply of global public goods begs a crucial question as to who should be responsible for their provision. With masses of HIV/AIDS cases dying every day, at issue is who can and should provide basic healthcare to them. Are there any legal regulations to protect their right to access basic healthcare?

Economists tell us that public goods can not be provided or distributed by an unregulated market because of the lack of incentives.¹³ According to a WHO report

¹⁰ Steve Connor and Chris Green, ‘Is It Time to Give Up the Search for an AIDS Vaccine?’, *The Independent*, 24 April 2008; Seth Berkley, ‘We are Making Progress on AIDS’, *The Wall Street Journal*, 25 April 2008.

¹¹ See Inge Kaul, Isabelle Grunberg and Marc A. Stern (eds), *Global Public Goods: International Cooperation in the 21st Century* (New York and Oxford: Oxford University Press, 1999).

¹² Quote in World Health Organization, *Access and Human Rights Issues*, 2008; available at http://www.who.int/medicines_technologies/human_rights/en/ (accessed 4 February 2008).

published in 2002, less than 10% of the worldwide health-related research budget is spent on research and development (R & D) into the problems that afflict 90% of the world's population. This '10/90 gap' maintains one of the major concerns of the WHO as well as other UN agencies.¹⁴ In response to the calls for a better promotion and protection of human rights in the context of the HIV/AIDS epidemic, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNAIDS adopted the Guidelines entitled *International Guidelines on HIV/AIDS and Human Rights* in 1996.¹⁵ The UN General Assembly also asserted in June 2001 that 'recognizing that the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic'.¹⁶ On 23 May 2005, the World Health Assembly adopted new International Health Regulations (IHR) to manage public health emergencies of international concern.¹⁷ As a result, the above regulations have provided more tangible steps to protecting human rights in the context of HIV/AIDS.

Nevertheless, the problem of access to antiretroviral treatment, care and support remains a major global health difficulty in the early 21st century. Following the international outcry on the high cost of HIV antiretrovirals, the WHO first recognized the importance of access to essential drugs and the access to medications and has since 1999 regarded it as part of human rights in health. It declares that 'essential drugs are those that satisfy the health care needs of the majority of the population; they should therefore be available at all times in adequate amounts and in appropriate

¹³ Franklyn Lisk and Desmond Cohen, 'Regional Responses to HIV/AIDS: a Global Public Goods Approach', in Poku, Whiteside and Sandkjaer, *AIDS and Governance*, p.237.

¹⁴ *Coordinates 2002; Charting Progress Against AIDS, TB and Malaria* (Geneva: World Health Organisation, UNAIDS & UNICEF, 2002), p. 23.

¹⁵ The guidelines are available at <http://www1.umn.edu/humanrts/instreet/t4igha.html> (accessed 15 April 2008).

¹⁶ *Declaration of Commitment on HIV/AIDS* (New York: UN General Assembly, June 2002), p. 10; available at http://data.unaids.org/publications/irc-pub03/aidsdeclaration_en.pdf (accessed 15 April 2008).

¹⁷ See 'Revision of the International Health Regulations', 58th World Health Assembly, 23 May 2005; available at http://www.who.int/gb/ebwha/pdf_files/WHA58/WHA58_3-en.pdf (accessed 3 August 2008).

dosage form'.¹⁸ The call for engaging the world's marginalised people since that time has been showing tremendous enthusiasm.¹⁹ However, while more than 32 million people worldwide were infected with the HIV virus in 2007; only three million of them – less than 10% – received life-prolonging antiretroviral drugs in the developing world. According to a report delivered by the UN Secretary-General Ban Ki-Moon to the General Assembly's high-level meeting on HIV/AIDS on 10 June 2008, the rate of progress in expanding access to antiretroviral drugs was failing to keep pace with the expansion of the epidemic. While an additional one million received antiretroviral drugs in 2007, 2.5 million people in the world were newly infected during the same period.²⁰

In the face of the fact that plentiful patients from developing countries are denied access to HIV antiretrovirals, the WTO Ministerial Council endorsed the Doha Declaration on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement in November 2001. The agreement empowers any developing country to override drug patents by issuing 'compulsory licences' to manufacture or import cheaper copy antiretrovirals whenever there is a need in the country. Later, the OHCHR and UNAIDS revised the Guideline 6 at the Third International Consultation

¹⁸ World Health Organization, *Globalisation and Access to Drugs: Perspectives on the WTO/TRIPS Agreement*, January 1999; available at <http://www.who.int/medicines/areas/policy/who-dap-98-9rev.pdf> (accessed 4 February 2008).

¹⁹ For example, Peter Vale, a professor at the University of the Western Cape in South Africa criticizes that the international structure favours the United States interests and the existing global governance frameworks ignore the fundamental conflicts between the privileged and the world's marginalized people. See Peter Vale, 'Engaging the World's Marginalized and Promoting Global Change: Challenges for the United Nations at Fifty', *Harvard International Law Journal*, Vol. 36, No. 2, Spring 1995, pp. 283-294.

²⁰ *Declaration of Commitment on HIV/AIDS and Political Declaration on HIV/AIDS: Midway to the Millennium Development Goals* (United Nations General Assembly document A/62/780, June 2008), p. 5; available at http://data.unaids.org/pub/Report/2008/20080429_sg_progress_report_en.pdf (accessed 17 June 2008); and 'Press Conference on Secretary-General's Report on Global AIDS Response', 9 June 2008; available at http://www.un.org/News/briefings/docs/2008/080609_UNAIDS.doc.htm (accessed 17 June 2008).

on HIV/AIDS and Human Rights in Geneva in 2002.²¹ The revised Guidelines call for states to ensure the availability and accessibility of antiretrovirals, and safe and effective medicines to all on a sustained and equal basis. In addition, states should incorporate this international agreement on HIV/AIDS into national legislation.²²

A Responsible Government in Health

There is no doubt that domestically states should take full responsibility for providing public goods and are also duty-bound to protect their citizens.²³ This is a responsibility that falls under the rubric of ‘national responsibility’. In the area of public health, states are expected to provide basic healthcare and ensure the availability of essential drugs for the majority of the population within their national boundary under any circumstances. However, as seen from the interrelations between globalisation and public health in Chapter 1, health issues, especially infectious diseases, cannot be confined within geographical boundaries in this highly globalised world. We are facing the truth that infectious diseases know no borders and can easily spread from one country to another. Given this spatial dimension, the spread of infectious diseases is certainly not just a domestic issue but rather an international issue. In terms of HIV/AIDS, any delays in curbing the disease in one country can have direct adverse impacts anywhere in the world. At issue are, first, while the prevention and containment of infectious diseases are considered global public goods, how should global public goods for health be effectively governed; and second, while there is no central authority to enforce and regulate the production of public goods at the global level, how should countries maintain the proper balance between national and international responsibilities for providing global public goods for health.

²¹ The full report is available at <http://www.ohchr.org/Documents/Publications/HIVAIDSGuidelinesen.pdf> (accessed 24 April 2008).

²² United Nations High Commissioner for Human Rights and the UNAIDS, *International Guidelines on HIV/AIDS and Human Rights: 2006 consolidated Version* (Geneva: UNAIDS, 2006), available at http://data.unaids.org/Publications/IRC-pub07/jc1252-internguidelines_en.pdf (accessed 12 February 2008), p. 37; and David Patterson and Leslie London, ‘International Law, Human Rights and HIV/AIDS’, *Bulletin of the World Health Organization*, Vol. 80, No. 12, 2002, pp. 964-969.

²³ Ann Mette Kjaer, *Governance* (Cambridge: Polity Press, 2004), pp. 126-129.

With the acceleration of international movements of people and goods, the need to strengthen health governance at the global level has brought about an added sense of urgency. While all states, Western and non-Western, claim that they have a responsibility to provide public goods and are also duty-bound to protect their citizens, it has been widely debated among scholars and politicians in the West since the early 1990s whether states in international society should bear responsibility for providing global public goods beyond their own borders. As illustrated in Chapter 2, the evolving paradigm in the international community is that states carry moral elements and therefore, they are obliged to achieve justice and stand up for human rights beyond their borders. Global governance, in its simplest term, is to do something to alleviate or remedy serious global problems.²⁴ David Miller refers to the remedial responsibility for deprived or suffering people.²⁵ Through the workings of international institutions, states can contribute to the provision of global public goods, both within and beyond their borders, to remedy serious global problems. Hence, a state's responsibility with regard to global health issues would be both its commitment to the prevention and control of the spread of infectious diseases and to the protection of afflicted people within as well as outside the state.

Christopher Hill also explicitly points out policymakers should consider responsibilities by virtue of their role, not only for their own citizens but also for the international community.²⁶ Robert Jackson further articulates the idea of responsibility for the global commons. National leaders are expected to take joint international actions to tackle common issues. With a responsibility for restoration and preservation of the global habitat, the state is regarded as a steward of the

²⁴ Toni Erskine, "Making Sense of 'Responsibility' in International Relations: Key Questions and Concepts," in Toni Erskine (ed), *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations* (Basingstoke: Palgrave Macmillan, 2003), pp. 1-18; Christian Barry, 'Global Justice: Aims, Arrangements, and Responsibilities', in Erskine (ed), (2003), pp. 218-237.

²⁵ See David Miller, 'Distributing Responsibilities', *Journal of Political Philosophy*, Vol. 9, No.4, 2001, pp. 453-471.

²⁶ Christopher Hill, *The Changing Politics of Foreign Policy* (Great Britain: Palgrave Macmillan, 2003).

common goods of the earth.²⁷ Regarding public health, Todd Sandler suggests that infectious diseases constitute a threat to global public health. In order to avoid any negative spillovers of diseases, if poor countries do not have enough capacity to prevent and control infectious diseases, the rich ones will need to take actions to bring them up ‘to acceptable standards to avoid disease-creating transnational externalities’.²⁸ In their study of regional responses to HIV/AIDS, Franklyn Lisk and Desmond Cohen declare that ‘The international community and organisations have a vital role to play in assuring the provision of public goods that serve the common interest of both poor and rich countries by controlling the spread of the global HIV epidemic.’²⁹ To achieve this, a collective responsibility – by which states cooperate with a wide range of actors in managing public health – for providing equitable and sustainable development is needed.

However, this has presented a direct challenge to realist theorists, who contend that states remain the principal actors or agents in global politics. In order to capture both the territorial and supraterritorial features of global health issues, scholars have called for post-Westphalian health governance in managing pathogenic diseases.³⁰ This post-Westphalian health governance requires a fundamental transformation of the understanding of national sovereignty. In other words, the conventional understanding of national sovereignty, based on the principles of non-intervention and states’ supreme legal authority over its territory and population, has to be transformed. The global public domain is to be enlarged to include a multitude of state and non-state actors on multi-layers – supranational, national and subnational – to manage global affairs. As contended by Wolfgang Hein and his associates, the process of globalisation has ‘led to profound transformations in the architecture of international health politics from a nation-state-based structure towards a complex system of global

²⁷ Robert Jackson *The Global Covenant: Human Conduct in a World of States* (New York: Oxford University Press, 2000), pp. 175-178.

²⁸ Todd Sandler, *Global Collective Action* (Cambridge: Cambridge University Press, 2004), p. 108.

²⁹ Franklyn Lisk and Desmond Cohen, ‘Regional Responses to HIV/AIDS: a Global Public Goods Approach’, in Poku, Whiteside and Sandkjaer, *AIDS and Governance*, p.238.

³⁰ For example, David P. Fidler, *SARS, Governance and the Globalisation of Disease* (Basingstoke and New York: Palgrave Macmillan, 2004).

health-related institutions'.³¹ As a result, global health governance has involved multiple actors and they 'interact with each other at various spatial levels in the fight against the HIV/AIDS pandemic'.³²

Furthermore, since global health governance is premised on the taking of collective actions by a range of actors with the aim of tackling transnational health problems, a high level of compliance, particularly in an anarchical society, with the global health regime is deemed necessary to address global health challenges. Through the making and implementation of global norms and rules, states can cooperate with each other as well as with other non-state actors in the global community to promote the health of their populations. It needs to 'recognize and give meaningful participation of a greater plurality of interests to capture both the territorial and supraterritorial features of global health issues'.³³ The state should not be the only actor but rather part of a wider network that involves non-state actors, including international and local NGOs, corporations, private foundations and individual activists. Infectious diseases cannot be effectively contained and defeated without state and non-state actors cooperating with each other and responding promptly and decisively. However, the matter is whether or not states are willing to relax their grip on the conventional understanding of national sovereignty and cooperate with different actors, including states and non-states, in dealing with the borderless infectious diseases through multilateral cooperation and participation in global health governance? This interesting question can be examined by a case study of China, which not only faces a mounting HIV/AIDS crisis but also proclaims absolute sovereignty over its territory and people.

The Evolution of China's Response to HIV/AIDS

The purpose of this section is to provide a succinct illustration on China's response to HIV/AIDS. Further details on China's governance of HIV/AIDS at both domestic and international levels will be examined in Chapters 4 and 5. In China, the estimated

³¹ Wolfgang Hein, Sonja Bartsch and Lars Kohlmorgen, *Global Health Governance and the Fight Against HIV/AIDS* (Palgrave Macmillan, 2007), p. 8.

³² Ibid.

³³ Dodgson and Lee, 'Global Health Governance', p. 100.

number of HIV carriers inside the country is 700 000, according to the UN and the Chinese Government's official figures unveiled at the end of 2007.³⁴ On the surface, with a population of 1.3 billion, the overall HIV prevalence at approximately 0.05% is not high at all. However, UN agencies warn that the new infection rate of HIV in China is ever-increasing. In 2007 alone, there were 50 000 new cases of HIV in the country, a sharp jump of 45% compared with the figure in 2006.³⁵ In the past several years, the rate of infection has been rising rapidly. According to a recent UNAIDS report – *2008 Report on the Global AIDS Epidemic* – published in July 2008, while the epidemic is stabilising globally and the rate of new HIV infections even shows signs of declining in several countries, China is one of the eight countries in the world where the rates of infection continues to rise.³⁶ To make things worse, the disease tends to have spread among the general public, especially through sexual transmission. Both heterosexual and homosexual transmissions now account for more than half of the inflicted (see Table 3.1). The increasing number of underground sex workers and drug users pose a difficulty for the government to curb the disease. In describing the

³⁴ *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2007)* (Beijing: State Council AIDS Working committee Office in China and UNAIDS, 1 December 2007), p. i. Note that in 2003 the official figure of the estimated number of HIV/AIDS in China (840 000) was much higher than the present data. On 25 January 2006, the Chinese government and the UN agencies endorsed the new figure of 650 000, down by 22 per cent. The Chinese government said the adjustment was mainly caused by its overestimate of the number of people who were infected by illicit blood trading in the 1990s. The government released the news after months of delay because officials feared that a significantly lower number of HIV infections might draw criticism and doubt over the data. Both the Chinese government and the UN agencies agreed that the new estimate was derived from better data collection and calculation models, although some HIV/AIDS activists and NGOs still questioned the reliability of the data. See UNAIDS and WHO, *New Data Show Growing AIDS Epidemic in China* (a press statement by UNAIDS and WHO on 25 January 2006); available at www.unchina.org/un aids/enews.html (accessed 27 January 2006).

³⁵ Clifford Coonan, 'China Admits that Cases of HIV/AIDS Have Risen 45 Percent', *The Independent*, 23 February 2008; available at <http://www.independent.co.uk/news/world/asia/china-admits-that-cases-of-hiv-aids-have-risen-45-per-cent-786175.html> (accessed 12 April 2008).

³⁶ The other seven countries which have rising rates of HIV are Indonesia, Kenya, Mozambique, Papua New Guinea, Russian Federation, Ukraine and Vietnam. See *2008 Report on the Global AIDS Epidemic* (Geneva: UNAIDS, July 2008); available at http://www.unaids.org/en/KnowledgeCentre/HIVData/GlobalReport/2008/2008_Global_report.asp (accessed 2 August 2008).

spread of HIV/AIDS, another UNAIDS report, published in June 2002, stated that ‘China is on the verge of a catastrophe that could result in unimaginable human suffering, economic loss and social devastation’.³⁷

Table 3.1 Transmission Mode Distribution among Reported HIV Positives (in %)

<i>Transmission methods</i>	<i>2003</i>	<i>End of 2005</i>	<i>December 2007</i>
Intravenous Drug Users	43.9	44.3	38.1
Heterosexual transmission	19.8	36.3	40.6
Homosexual transmission	11.1	7.3	11.0
Blood Transfusions	24.7	10.7	9.3
Mother-to-child	0.5	1.4	1.0
Total	100.0	100.0	100.0

Sources: *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC, United Nations Programme on HIV/AIDS and World Health Organization, 24 January 2006), pp. 1-3; and *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2007)* (Beijing: State Council AIDS Working committee Office of PRC and UN Theme Group on AIDS in China, 1 December 2007), pp. 4-5.

The first AIDS-related death in China, an Argentine tourist from the United States, was announced by the Ministry of Health on 6 June 1985. The social stigma about HIV/AIDS in China at the time was that it was a ‘dirty western disease’.³⁸ In order to prevent HIV from entering the country, China banned the importation of all blood products in September 1985. Two months later, the government required that all foreigners have blood tests when entering China.³⁹ Until 1 December 2000, World AIDS Day, the government media still treated the HIV/AIDS epidemic reports as ‘foreign news’.⁴⁰ While admitting that there were HIV/AIDS carriers inside the country, the Chinese government insisted that the cases were rare. The first indigenous cases of HIV/AIDS in China were reported in 1989 among 146 drug users

³⁷ *Report on the Global HIV/AIDS Epidemic* (World Health Organisation & UNAIDS, 2002).

³⁸ Vivien Cui, “‘Dirty Western Disease’ is Finally Taken Seriously”, *South China Morning Post*, 1 December 2005.

³⁹ ‘China HIV/AIDS Chronology’, *China AIDS survey*; available at <http://www.casy.org/chron/mainchron.htm> (accessed 13 April 2008).

⁴⁰ Pierre Haski, ‘A Report from the Ground Zero of China’s AIDS Crisis’, *YaleGlobal Online*, 30 June 2005.

in Yunnan province. In 1995, more new HIV sufferers were found among farmers who sold their blood with unhygienic needles.⁴¹

China's transparency problem in revealing the real situation of HIV/AIDS and in public policy-making has often been reported and criticised by various sources and organisations. Since the first case of AIDS in China was reported in 1985, the Chinese had denied the existence of an HIV/AIDS crisis in the country for more than 15 years. Another prominent example was its denial of an outbreak in central China among farmers who contracted HIV/AIDS through a dubious government-sponsored blood-selling programme in the 1990s. Caused by illegal blood deals, Henan has gained notoriety as the worst AIDS-hit province in China. Local authorities encouraged peasants to 'donate' their blood for 40 yuan (approximately US\$5) in compensation. Officials also invented a slogan 'it is glorious to sell your blood'. In order to allow people to 'donate' blood more frequently, collectors would use a centrifuge to separate plasma and blood. After the plasma was extracted, the blood would be reinjected back into the donors. The needles for collection were, however, reused many times. Under the dual influence of financial and non-material incentives, hundreds of thousands of peasants sold their blood and many of them were infected with HIV in the decade.⁴² Accordingly, the infection rates in some Henan villages were up to 65%. The official figure in the village of Wenlou in Henan is equally striking – 43% of those who sold their blood became HIV positive.⁴³ The notorious 'AIDS villages' in Henan have been the subject of numerous mass media reports.

When blood sales were prevalent in Henan, all blood products in China were not required to go through viral inactivation. Starting in 1985, most developed countries stopped using blood products not treated by the process, yet the Beijing Municipal Health Bureau did not include that process in their regulations and guidelines on biological blood products until September 1995. As a result, many people who had

⁴¹ Zunyou Wu, Sheena G Sullivan, Yu Wang, Mary Jane Rotheram-Borus, Roger Detels, 'Evolution of China's Response to HIV/AIDS', *The Lancet*, Vol. 369, No. 9562, 24 February 2007, pp. 679-690.

⁴² Pierre Haski (2005); and Peter Navarro, *The Coming China Wars: Where They Will be Fought and How They Can be Won* (Upper Saddle River, NJ: F T Press, 2007), pp. 188-198.

⁴³ Pierre Haski (2005); and David Lague, 'A New Vein of Openness', *Far Eastern Economic Review*, 4 October 2001.

blood transfusion, such as those suffering from haemophilia or women after caesarean deliveries, were also infected with HIV in the 1990s.⁴⁴ For example, between 1995 and 2000 in Shanghai alone, there were up to 70 haemophiliacs who contracted HIV after receiving HIV-tainted blood products provided by the state-owned Shanghai Institute of Biological Products.⁴⁵

As mentioned in Chapter 1, economic development has been the first priority for the Chinese central as well as local governments. Local governments used all means at their disposal to maintain the drive for economic growth. It is widely believed that one of the major reasons for China's belated response to the HIV/AIDS outbreak was the concern about economic development. Officials fretted about falls in tourism and foreign investment if negative information was unveiled.

The turning point of this saga was June 2001 when the central government openly admitted the problem of HIV/AIDS inside China (the reasons for this changing policy will be illustrated in detail in Chapter 6). Subsequently, the central government has been paying more attention to health issues at the domestic level as well as on the international front.

Integrating into the Global Health Regime?

Domestically there has been a pronounced shift in the government's policy and attitude towards HIV/AIDS in the country. For the Chinese government, public health had traditionally been treated as a domestic social issue. In contrast to the laissez-faire health policy in the 1990s, there has been a remarkable change in China's public health policy since the turn of this century, from previous denials and cover-ups towards a more proactive stance and an embrace of multilateral mechanisms to manage serious health problems. The focus of this section is on how China has

⁴⁴ Chan Siu-Sin, 'HIV-Stricken Mother Gives Birth to a Cause', *South China Morning Post*, 1 December 2005, p.A9.

⁴⁵ Georgina Lee, 'Activists Infected with HIV Detained', *South China Morning Post*, 25 October 2006.

become increasingly enthusiastic about overhauling its ailing health system as well as working with a host of actors in the containment and control of the HIV/AIDS crisis.

Towards the end of the last century, particularly during and after the Asian financial crisis of 1997-98, China began to be concerned about its international image. As a consequence, not only did it begin to adopt a multilateral approach to dealing with various international issues but also to vigorously project a positive image as a responsible state in the global community. The central government has been paying more attention to health issues at both the domestic and international levels. The SARS outbreak of 2002-03 prompted the Chinese government to be more proactive than ever before in engaging health governance. The then Vice Premier, Wu Yi, was nominated as Minister of Health in 2003.⁴⁶ This was the first time such a high-ranking official of the PRC was assigned to take charge of the Ministry. Thereafter, China has not only embraced multilateralism in handling the epidemic in cooperation with its Asian neighbours, but also reiterated its willingness to cooperate with all infected countries to tackle the disease. In particular, it urged local governments to remain transparent in managing the crisis.⁴⁷ At the United Nations General Assembly Special Session on HIV/AIDS which was held in September 2003, the Vice Minister of Health Gao Qiang presented China's 'Five Commitments' regarding HIV/AIDS. These commitments are:⁴⁸

- Increasing government responsibility and accountability;
- Providing treatment and care to persons with HIV/AIDS;
- Improving relevant laws and regulations;

⁴⁶ Wu Yi, 68, is well-known as China's Iron Lady and Miss Fix-it, a steely and capable problem solver. Prior to her retirement in March 2008, she was often assigned by the central government to tackle high-profile issues, such as food safety, contentious trade talks regarding China's membership in the World Trade Organisation and the SARS health crisis. See Maureen Fan, "Party Looks Beyond China's 'Miss Fix-It'", *Washington Post*, 21 October 2007.

⁴⁷ 'China Vows Harsh Punishment for SARS Cover-ups', *Reuters News*, 19 April 2003, Internet edition.

⁴⁸ These five commitments quote from Bates Gill, J. Stephen Morrison and Drew Thompson, *Defusing China's Time Bomb: Sustaining the Momentum of China's HIV/AIDS Response* (Washington D.C.: Center for Strategic and International Studies (CSIS), 2004), pp. 10-11.

- Protecting legitimate rights and confidentiality of HIV/AIDS patients; and
- Increasing cooperation with international partners.

The faults with China's health system were also officially acknowledged by the government. They attributed the cause of the poor health services to the market-oriented reforms which have created great disparities in service provision. A year after the SARS outbreak, Li Liming, Director of the Government's Center for Disease Control and Prevention, argued in March 2004 that with one-third of the health system collapsed and another one-third on the verge of disintegration, the rural medical and health system was basically paralysed.⁴⁹ This was also the first time that the PRC officially announced that the country would need to overhaul its public health system.

In the area of HIV/AIDS, since the government officially admitted its crisis in the country, the government has steadily increased its funding and resources for the prevention and control of the disease (see Figure 3.1). For example, before the central government admitted the problem, the national budget for HIV/AIDS prevention and treatment between 1996 and 2000 was only 55 million yuan in total (approximately US\$8 million). However, in 2001, the financial expenditure increased more than sixfold from the previous financial year. After the SARS outbreak, the central government allocated in 2004 810 million yuan (approximately US\$115 million) to the Ministry of Health for fighting HIV/AIDS, more than double the funding a year ago. In 2007, the central government's financial input to HIV/AIDS reached 944 million yuan. This in turn has allowed a substantial scale-up of the prevention and control of HIV/AIDS programmes in China. For example, in order to raise public awareness of the disease, the government mobilizes a variety of departments and organisations to initiate mass media education activities, such as the Red Ribbon Campaigns, Women 'Face-to-Face' Education Campaign, and the Awareness Campaign on HIV Knowledge among University Students. The Central Communist Party School also includes the prevention of HIV/AIDS in its curriculum.⁵⁰ In

⁴⁹ 'China's Public Health System in Urgent Need of Overhaul', *Xinhua News Agency*, 4 March 2004.

⁵⁰ *2005 Update on the HIV/AIDS Epidemic and Response in China* (Ministry of Health of the PRC, United Nations Programme on HIV/AIDS and World Health Organization, 24 January 2006), p. 8.

addition, the government announced the ‘Four Frees and One Care’ Policy on the World AIDS Day in 2003.⁵¹ This ‘Four Frees and One Care’ policy is to offer:

- free antiretroviral treatment to HIV/AIDS patients;
- free voluntary counselling and testing;
- free drugs for prevention of mother-to-child transmission;
- free schooling fees for orphans of HIV/AIDS patients; and
- care and economic assistance to the households of people living with HIV/AIDS

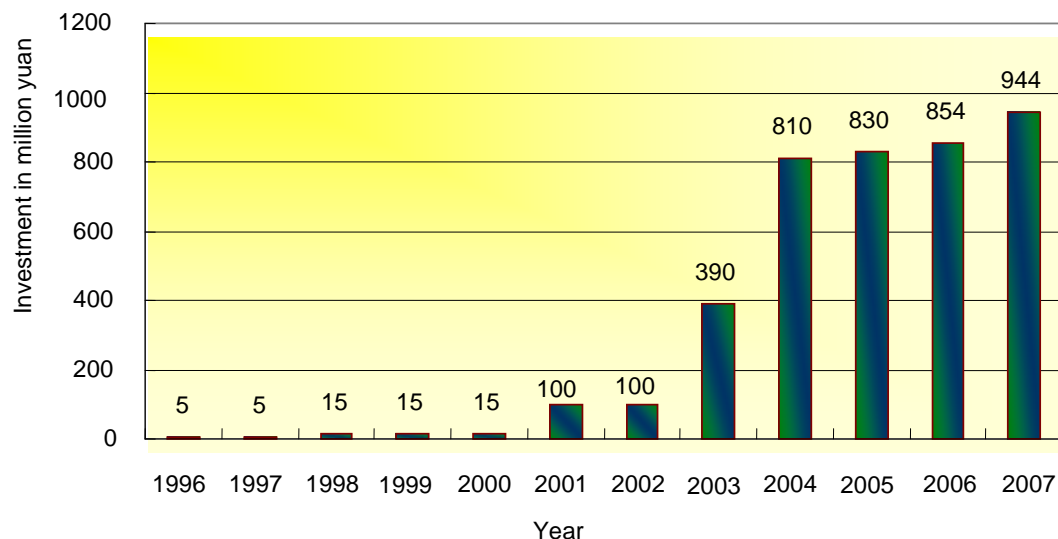


Figure 3.1 The Central Government Financial Input to HIV/AIDS Prevention and Control in China, 1996-2007

Sources: data were compiled from: *The Harm Reduction SIDA Project for the Greater Mekong Subregion (HR3) First Project Advisory Committee Meeting, Phnom Penh, Cambodia 20-21 November 2007* (Manila: WHO Regional Office for the Western Pacific, 2007), p. 53 Annex 8; *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2004)* (Beijing: State Council AIDS Working Committee Office and UN Theme Group on HIV/AIDS in China, 1 December 2004), p. 22; *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC and UNAIDS and WHO, 24 January 2006), p.10; and *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2007)* (Beijing: State Council AIDS Working Committee Office of the PRC and UN Theme Group on AIDS in China, 1 December 2007), p. 11.

⁵¹*A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2004)* (Beijing: China’s State Council AIDS Working Committee Office and UNAIDS, 1 December 2004).

Apart from that, President Hu Jintao, Premier Wen Jiabao and Wu Yi have paid high-profile visits to AIDS patients since 2003, indicating the central leaders' strong determination to take the issue seriously.⁵² During their visits, they shook hands with or embraced AIDS patients to remove the social stigma about the disease. As a measure to explain the government's new initiatives in response to HIV/AIDS, Wen signed the 'Joint Efforts for Effective Prevention and Control of HIV/AIDS' in July 2004, outlining the principal guidelines that officials need to adhere to in managing HIV/AIDS issues.⁵³

On the international front, China has been playing a more active role in various international and regional fora since the early 2000s. It has participated in the Global Fund to Fight AIDS, Tuberculosis and Malaria (hereafter the Global Fund), the ASEAN+3 Seminar on Enhancing Cooperation in the field of Non-Traditional Security Issues, the International AIDS Conference and the International Congress on AIDS in Asia and the Pacific, in addition to various UN conferences. Chinese leaders have reiterated China's promise to cooperate in regional and global efforts to combat the disease. For example, at the 15th International AIDS Conference held in Bangkok in 2004, Chinese Premier Wen Jiabao pledged to contribute to the regional and global fight against HIV/AIDS.⁵⁴ Again, at a high-level meeting on HIV/AIDS at the 59th Session of the UN General Assembly on 2 June 2005, China reiterated its commitment to the international society in combating HIV/AIDS. A month later,

⁵² Since 2003, around the time of World AIDS Day on 1 December or the Chinese Lunar New Year, the Chinese leaders have paid visits to AIDS hospital or AIDS villages in China. For example, in 2007, a day before the 20th World AIDS Day, Wen Jiabao paid a visit to AIDS-suffering villages in Shangcai County, the worst AIDS-hit villages in Henan Province. This was Wen's fifth face-to-face talks with AIDS patients or their family members since 2003. See 'Premier Revisits AIDS-Suffering Central China Villages', *Xinhuanet.com*, 1 December 2007, available at http://news.xinhuanet.com/english/2007-12/01/content_7181600.htm (accessed 4 December 2007).

⁵³ Wen Jiabao, 'Joint Efforts for Effective Prevention and Control of HIV/AIDS', in Chinese Center for Disease Control and Prevention and National Center for AIDS/STD Control and Prevention (eds), *Collection of Policies and Document on HIV/AIDS Control & Prevention in China*, pp. 1-9.

⁵⁴ 'China outlines strategy to fight AIDS', *China Daily*, 10 July 2004. Wen Jiabao's message was recorded on a videotape shown at the conference. See Lawrence K. Altman, 'World Leaders are Scarce as AIDS Conference Opens in Bangkok', *New York Times*, 12 July 2004.

Chinese delegates attended the Seventh International Congress on AIDS in Asia and the Pacific held in Kobe, Japan.

Apart from participating in international and regional fora, China has also actively played host to a number of international conferences on the disease. These include the '2005 New Strategies on Prevention and Control of HIV/AIDS International Conference' in December 2005,⁵⁵ a gathering of 21 Asia-Pacific Economic Cooperation (APEC) economies to reaffirm their commitment to fighting and controlling infectious diseases in April 2006,⁵⁶ and the conference on 'East Asian Regional Cooperation to fight AIDS, Tuberculosis and Malaria' in July 2006.⁵⁷

China's intensified effort to fight HIV/AIDS is also evident from its being a recipient of international aid to becoming a provider of international assistance towards developing countries. It has played an increasing role in providing medical assistance to the African continent by not only conducting training courses for African HIV professionals, but also cooperating with its neighbouring countries, such as Myanmar, Laos and Vietnam, in pilot projects to prevent and contain HIV/AIDS.⁵⁸ In addition, it has also exported generic HIV/AIDS drugs at affordable prices to African countries.⁵⁹ Recently, China's Mchem Pharma Group of Xiamen reached an

⁵⁵ Ministry of Health (MOH), Gao Qiang buzhang chuxi '2005 yufang ji kongzhi aizibingdu ganran xinfangfa guoji yantaohui' kaimushi (Minister Gao Qiang attends the opening ceremony of the '2005 New Strategies for Prevention and Control of HIV/AIDS International Seminar', 12 December 2005; available at <http://www.moh.gov.cn/newshtml/11091.htm> (accessed 1 February 2007).

⁵⁶ Ministry of Health, *APEC xinfu chuanranbing yantaohui tongguo <Beijing gongshi> (APEC Symposium on Emerging Infectious Diseases Agrees with the 'Beijing Consensus')*, 7 April 2006; available at <http://moh.gov.cn/newshtml/11751.htm> (accessed 1 February 2007).

⁵⁷ Ministry of Health, Wang Jiefu fubuzhang chuxi dongya dequ hezuo kangji aizibing, jiehebing he liji Beijing huiyi (Vice Minister Wang Jiefu Participates in the East Asian Regional Cooperation to Fight HIV/AIDS, Tuberculosis and Malaria in Beijing), 12 July 2006; available at <http://www.moh.gov.cn/newshtml/12385.htm>; (accessed 1 February 2007).

⁵⁸ *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2007)* (Beijing: State Council AIDS Working Committee Office of the PRC & UN Theme Group on AIDS in China, 1 December 2007), p. 31.

⁵⁹ 'Guochan Aiziyao Chukou Nanfei (Chinese-made AIDS drug exports to South Africa)', *Ta Kung Pao* (Hong Kong), 1 June 2005.

agreement with the Clinton Foundation whereby Mchem supplies discounted pharmaceutical ingredients to manufacturers of generic HIV/AIDS drugs in South Africa and India and may eventually export the finished formulations.⁶⁰ In an official policy paper entitled *China's African Policy*, published in early 2006, the Chinese government once again indicated its commitment to enhancing Africa's public health by sending medical practitioners and medical materials to the continent. Beijing also promised to cooperate with the African people in the prevention and treatment of infectious diseases, especially HIV/AIDS, malaria and tuberculosis.⁶¹ External debt has for a long time placed a heavy burden on African countries. Many of them have to spend up to 30% of their government revenue on making repayments. China's discounted generic HIV/AIDS drugs and its announcement of a debt relief plan to help the impoverished African countries have been seen by some commentators as 'real aid' (China's role in Africa's HIV/AIDS crisis will be further elaborated in Chapter 5).⁶²

A controversy surrounding HIV/AIDS medicine is that pharmaceutical companies in developed countries have for a long time allegedly been reluctant to invest heavily in drugs that would primarily cater to the needs of patients in developing countries. The aforementioned '10/90' gap is a typical example. Owing to little prospect of making profit in less developed countries, drugs for the developing world's diseases receive little global attention.⁶³ China's assistance in providing generic HIV/AIDS drugs and

⁶⁰ Wang Zhenghua, "Anti-AIDS Drug 'Breakthrough' Claim," *China Daily*, 1 June 2005; 'Anatomy of an Epidemic: AIDS in China', *The Economist*, 30 July 2005; Marilyn Chase, 'Chinese Firm Joins Clinton AIDS-Drug Effort', *Wall Street Journal*, 27 July 2005.

⁶¹ Ministry of Foreign Affairs of the PRC, *China's African Policy* (Ministry of Foreign Affairs of the PRC, January 2006); available at <http://www.fmprc.gov.cn/eng/zxxx/t230615.htm> (accessed 10 November 2007).

⁶² In 2000, China announced that it would write off US\$1.2 billion in debt that 31 African countries owed China. See Frank Ching (2005), 'Real aid for African friends', *South China Morning Post*, 13 July; 'African ministers welcome China's debt-relief move', *BBC Online*, 12 October 2000; and 'Africa welcomes China's debt-relief move', Xinhua News Agency, 11 October 2000.

⁶³ Priya Shetty, 'More Creative Thinking Needed on Drug R&D', *YaleGlobal Online*, 4 May 2005.

herbal-derived anti-malaria drugs (artemisinin) is believed to help stem the tide of morbidity, mortality and economic loss on the continent.⁶⁴

In summary, since the dawn of 21st century, there has been a remarkable change in China's public health policy, from initial denials and cover-ups to being more proactive and embracing multilateralism in managing its looming health crisis. The SARS outbreak in early 2003, the recent foot-and-mouth outbreak,⁶⁵ and the avian influenza in China have tested its commitment towards complying with global public health norms and rules. Although China's overall participation in the international health regime in relation to HIV/AIDS was shaky until quite recently, China's multilateral involvement in the health regime over the past few years is remarkable. Even UNAIDS has acknowledged that China has made good progress in response to its AIDS epidemic. Wang Longde, the Vice Minister of Health, and Zhang Beichuan, a professor from Qingdao University, were awarded leadership excellence awards by UNAIDS for their dedication and commitment to helping China get on top of its HIV/AIDS problem.⁶⁶ Unlike its previous denials and cover-ups, China has scaled up its response to HIV/AIDS. It has become more willing to share data on the situation of HIV/AIDS in the country with the outside world. The central government has displayed an enhanced commitment to using a multilateral and cooperative approach in engaging with global health governance as well as providing public goods for health.

⁶⁴ About 3 million people die of malaria every year in Africa. See 'China Promises to sell safe, quality anti-malaria drugs to Africa', *Xinhua News Agency*, 4 December 2007.

⁶⁵ It had been proven that Hong Kong detected the foot-and-mouth virus in beef imported from China in March 2005. The local authorities of China ordered the media not to report on the outbreak at that time. Not until 13 May 2005 did China acknowledge the outbreak. China sent a brief notice to the World Organisation for Animal Health and stated that only 32 cows had been infected in several cities. However, it has been reported that authorities in the county of Jiuxian slaughtered more than 1,000 dairy cows and farmers were confined to their homes since 4 May 2005 in order to prevent the disease from spreading. See 'Disease Outbreak Strains Pledge of Openness', *South China Morning Post*, 24 May 2005; and 'Official Silence on Cases of Disease among Cattle Fuels Worries on Candor', *The Wall Street Journal*, 24 May 2005.

⁶⁶ 'China: UNAIDS Awards Leadership Excellence', *UNAIDS*, 17 July 2007; available at http://www.unaids.org/en/KnowledgeCentre/Resources/FeatureStories/archive/2007/20070717_China_UNAIDS_awards_leadership_excellence.asp (accessed 22 April 2008).

Why did China change tack at the beginning of the 21st century after its denials of the threat for more than 15 years? Why is this health issue no longer merely framed as a domestic social issue but rather as both domestic and national security issue? How can we account for China's changing health policy and its increasingly multilateral cooperation? Can we assume that China's impulse to be more proactive in international fora was driven by a commitment to providing public goods for health or was it meant as a gesture to remedy its tarnished international reputation or was it a response to its domestic dangers? On the international front, how can we gauge China's role and nature of its involvement in global health governance, especially its involvement in managing Africa's AIDS crisis? The following chapters are going to examine in detail China's intention and aspiration towards global health governance.

Conclusion

The assurance of access to primary healthcare and essential antiretroviral drugs is a major focus of the global health regime on HIV/AIDS. Since access is a fundamental right for human beings, states are duty-bound to protect their citizens and to provide public goods for health. China, as a socialist country, had provided its citizens with the means to meet the essential social needs during the Mao era. However, since the launch of economic reforms at the end of the 1970s, the Chinese government has placed economic growth at the top of its policy agenda. Public healthcare, albeit one of the basic social needs, has no longer been properly guaranteed. China's current crippled health system shows its deficiencies and weaknesses in controlling emerging infectious diseases, evident in HIV/AIDS and SARS.

The recent developments of China's health governance since the dawn of this century and its response to HIV/AIDS have shown that the country is now on the road to playing a more proactive role in global health governance. Evidence also demonstrates that China is drawing in a multiplicity of actors to combat its domestic AIDS crisis and proactively participating in various international and regional health fora. Its effort to fight HIV/AIDS has extended to the African continent.

Having said that, however, it is worth noting that traditionally China has held a state-centric worldview which stresses the importance of state sovereignty and non-intervention in internal affairs. Since the establishment of the PRC, Beijing has steadfastly resisted any international intervention into its domestic affairs, as evidenced in its determined exclusion of Taiwan from the World Health Assembly. Drawing a variety of actors in its health governance would breed the growth of domestic NGOs, which would potentially attenuate the supremacy of the Chinese Communist Party in ruling the country or erode the autonomy of the state. Why is China still willing to increase its cooperation with various actors outside and inside the country? What can this evidence of participation tell us about the genuine extent of China's engagement with the global health regime and its effort to fight HIV/AIDS in the African continent? In studying China's participation in global governance, it is crucial to examine to what extent, how, why and under what conditions it is likely to comply with the norms, rules and values that are deemed to be in favour with the developed world.

The following chapters of this thesis provide a further detailed account of China's engagement with global health governance by examining first the connections between domestic and international factors and its preference for and aspiration towards the world order.

Chapter 4 The HIV/AIDS Governance in China: International-Domestic Nexus

Today I would remove China from the list of countries in denial [of HIV/AIDS].

Richard Holbrooke, 2005¹

[The State Council Working Committee on AIDS in China] hasn't quite really lived up to expectations.

Joel Rehnstrom, 2006²

The previous chapter has illustrated how China has gradually integrated itself into the global health regime. This chapter will examine empirical evidence to analyse the Chinese government's policy and actions towards protecting its citizens from the HIV/AIDS epidemic. With an appearance of participation, Beijing seems to act more positive and proactive in global health governance. However, one might wonder whether this amiable integration into the global health regime is genuinely applied to its domestic HIV/AIDS governance. With one fifth of the earth's population living inside the country as well as its integration with the rest of the world continuing apace, China's health situation can certainly exert a global impact, as discussed in Chapter 1. Therefore, how China tackles its HIV/AIDS crisis is crucial not only for itself but also for the rest of the world. In other words, there is an intimate relationship between China's domestic health governance and its global health governance. The purpose of this chapter is to investigate China's response to its HIV/AIDS outbreak.

¹ Richard Holbrooke is the former American ambassador to the United Nations and now the president of the Global Business Coalition on HIV/AIDS. The quote is excerpted from his speech at the first joint conference, which was held in Beijing, between the Ministry of Health of the PRC and the Global Business Coalition on HIV/AIDS in China on 18 March 2005. See Joseph Kahn, 'China's Vice Premier Urges Businesses to Help with AIDS Fight', *The New York Times*, 18 March 2005.

² Joel Rehnstrom is the country co-ordinator for the UNAIDS China office. He commented on China's response on HIV/AIDS in a seminar in Hong Kong in June 2006. See 'UN Says Aids Panel Needs to Lift Game as Number at Risk Rises', *South China Morning Post*, 24 June 2006.

This thesis concentrates on the spread of HIV/AIDS, as it is one of the most concerning infectious diseases for many countries as well as China. Since an HIV vaccine, which would protect people either from HIV infection or the onset of AIDS, is still not yet available, prevention and control of the disease are the most promising ways to curb the pandemic. The United Nations Development Programme has specifically asserted that good governance is crucial for combating the disease.³ International experience has also demonstrated that a vibrant civil society, increased transparency of information flows, anti-stigmatisation and universal access to HIV testing and treatments are essential to curb the spread of the disease. Australia is a good example of reducing HIV incidence dramatically by implementing a comprehensive HIV/AIDS policy.⁴ As Raimo Väyrynen argues cogently, ‘Global governance cannot replace the need for good governance in national societies; in fact, in the absence of quality local governance, global and regional arrangements are bound to fail or will have only limited effectiveness.’⁵ Therefore, the questions to be addressed are: to what extent does China allow the growth and expanded involvement of non-governmental organisations, both domestic and global, in its public health governance? Do Chinese officials attach increased significance to human security vis-à-vis national security? Is China’s improved response to the AIDS pandemic at the

³ Lee-Nah Hsu, *Governance and HIV/AIDS* (Bangkok: UNDP South East Asia HIV and Development Programme, 2000); and UNDP South East Asia HIV and Development Programme, *Introducing Governance into HIV/AIDS Programmes: People’s Republic of China, Lao PDR and Viet Nam* (Bangkok: UNDP South East Asia HIV and Development Programme).

⁴ Australia had roughly the same comparable rates of HIV infections and AIDS cases with North America in 1983. Since 1987, Australia has been applying the comprehensive HIV/AIDS policy, resulting in a low prevalence rate in the country (0.075% in 2007). In contrast, the US punitive policy refuses to implement needle and syringe exchanges programmes. Its HIV prevalence remained as high as 0.402%, with nearly one million cases in the country in 2007. During the 16th International AIDS Conference in Toronto in 2006, Australia’s outstanding achievement in controlling HIV/AIDS was recognised by many countries as a model for containing the disease. See Bill Bowtell, ‘Applying the Paradox of Prevention: Eradicate HIV’, *Griffith Review*, No. 17, Spring 2007, pp. 11-42; and idem, ‘Toronto: Talkfest or Action Plan?’ *Lowy Institute for International Policy*, 17 August 2006, <http://svc168.wic006v.server-web.com/Publication.asp?pid=449> (accessed 22 August 2007).

⁵ Raimo Väyrynen, ‘Preface’, in Raimo Väyrynen (ed.), *Globalisation and Global Governance* (Lanham: Rowman & Littlefield, 1999), p. xi.

domestic level due to its increased commitment to protecting its citizens or just an instrumental reaction to international pressure? How can we account for China's changing domestic policy and its increasing cooperation with various actors inside China?

This chapter aims to provide an in-depth investigation into the changing nature of China's response to the AIDS crisis within the country. Section 1 focuses in particular upon new policies, declaration and legal framework. It is followed in section 2 by a discussion of China's cooperative behaviour in relation to international organisations and the government-spanning networks across countries. Section 3 is about how the Chinese government calls on the private sector to join the fight against the disease and creates the incentive for corporate responsibility. Section 4 discusses how China responds to civil society pressures and working with NGOs and AIDS activists within China. The final section will explore the extent China has embraced the notion and practice of global health governance in combating HIV/AIDS inside the country.

Policy Declaration, Regulations and Legal Framework

It has been widely perceived that the Chinese leadership is loath to acknowledge the enormity of infectious diseases in the country. If sovereignty entails responsibility to protect human beings both inside and beyond the state, it seems that the Chinese government, which is at pains to defend the principle of national sovereignty, has to show the world that China is both willing and able to provide global public goods for health. Since the official recognition of the growing problem of HIV/AIDS in China in June 2001, the central government has increased its commitment to tackling the problem. After the SARS outbreak of 2002-2003, Beijing has further made encouraging responses to HIV/AIDS and been more proactive in playing a leadership role in combating the disease. Premier Wen Jiabao and President Hu Jintao paid high-profile visits to AIDS patients in 2003 and 2004 respectively, indicating the central leaders' strong determination to take the issue seriously. In February 2004, a new State Council AIDS Working Committee was established under the leadership of then Vice Premier Wu Yi to coordinate and promote collaboration among government

agencies, the private sector and the civil society.⁶ During the National People's Congress (NPC) meeting in March 2005, Premier Wen Jiabao reiterated the central government's determination to improve China's public health system, particularly in fighting HIV/AIDS.

With regard to universal access to HIV treatment, one may look whether this has been provided by Chinese law. The first law which is specifically targeted at HIV/AIDS was endorsed in 2004 in China. In August 2004, China revised its Law on the Prevention and Control of Infectious Diseases, which became effective from 1 December 2004. Under this new law, all local governments must strengthen prevention and control measures to prevent the spread of HIV, and ensure that victims of the disease have access to treatment without discrimination.⁷ This was the first time HIV/AIDS was specifically targeted in national legislation.⁸ When evaluating China's response to HIV/AIDS, the Center for Strategic and International Studies (CSIS), a US think-tank, also held that this new law is 'an important step forward in destigmatizing HIV/AIDS in China and facilitating prevention and control efforts'.⁹

Synchronising with the promulgation of the new law, China began to provide people living with HIV/AIDS free diagnostic tests and free medicine under the programmes of the 'Four Frees and One Care' and the China Comprehensive AIDS Response (China CARES). In addition, in June 2005, in an executive meeting of the State Council, the prevention, treatment and care of HIV/AIDS was highlighted as one of the key focuses of public health policy in the 11th National Five-Year Plan (2006-2010). Each level of government was requested to standardise HIV/AIDS prevention

⁶ *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China* (State Council AIDS Working Committee Office and the UN Theme Group on HIV/AIDS in China, December 2004).

⁷ 'Aids, Sars Play Role in Revision of Diseases Law', *Financial Times*, 31 August 2004; 'HBV Victims Face Improved Job Chances', *China Daily*, 19 January 2005; 'China Acts to Tackle AIDS Spread', *BBC News*, 28 August 2004; and 'Law Spreads the Load in AIDS Battle', *South China Morning Post*, 29 August 2004, p. 6.

⁸ 'Aids, Sars Play Role in Revision of Diseases Law', *Financial Times*, 31 August 2004, Internet edition.

⁹ Bates Gill, J. Stephen Morrison and Drew Thompson (2004), p. 12.

and care work in accordance with the law.¹⁰ Subsequently the ‘AIDS Control Regulations’ were approved by the State Council in January 2006. These regulations outline the principles, roles and responsibilities of various government departments in the prevention and control of HIV/AIDS.¹¹

More crucially, the ailing state of China’s health system has been officially admitted by the government. A joint report issued in August 2005 by the State Council’s Development Research Centre and the World Bank pointed a finger at China’s public health-care system for its failure to prevent and control both serious chronic diseases and infectious diseases.¹² The fact that it might be the first time that a Chinese official body criticised its public health-care system is widely regarded as path-breaking. The report sparked a lively debate as to how the system could be overhauled to give an effective response to communicable diseases. The then Minister of Health, Gao Qiang, on his ministry’s website, even accused hospitals in China of being motivated by profit rather than the health of their patients. The exorbitant fees have in effect denied the poor access to proper medical care. In addition, China not only fails to provide adequate health care to most of the citizens, but is also unable to properly cope with large-scale epidemics and diseases.¹³

Shortly after the release of the report, Gao Qiang and his health officials visited Australia in September 2005. During the visit, they paid particular attention to the control and prevention of HIV/AIDS in Australia and the respective roles of state and

¹⁰ Ministry of Health of the PRC, UN Programme on HIV/AIDS and WHO, *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: National Centre for AIDS/STD Prevention and Control, China CDC, 24 January 2006).

¹¹ *Zhongguo gongbu ‘aizibing fangzhi tiaoli’ (China Promulgates ‘AIDS Control Regulations’)* (Beijing: Chinese Center for Disease Control and Prevention, 13 February 2006); available at www.chinacdc.net.cn/n272442/n272530/n272712/11387.html (accessed on 5 March 2006).

¹² ‘Ministry of Health Report on China’s Healthcare System and Reform: Executive Summary’, *China AIDS Survey*, available at www.casy.org/Chindoc/MOH_report_0805.htm August 2005 (accessed on 12 January 2006).

¹³ Ministry of Health of the PRC, ‘Gao Qiang: fazhan yiliao weisheng shiye, wei goujian shehuizhuyi hexieshehui zuo gongxian (Gao Qiang: Developing a Public Health Service, Contributing to the Construction of a Socialist and Harmonious Society)’; available at: <http://www.moh.gov.cn> (accessed 27 October 2005).

federal governments in health provision.¹⁴ In addition, in light of the urgent need for a major overhaul of the rural medical system, Premier Wen Jiabao announced in his annual work report to the NPC in March 2006 an introduction of rural cooperative medical funds. The gist of the reform is to give peasants affordable basic public health services.¹⁵

However, it is far from certain that this promise and determination to control HIV/AIDS and to provide public goods for health are long-lasting. One may even speculate that it is done for short-term utilitarian reasons. The demotion of Gao Qiang from the position of the Minister of Health to Deputy Minister in the same ministry in June 2007 has sparked off a concern about China's genuine determination to reform the public health system. It has been reported that Gao's demotion is linked with the much-criticised ministry-led health reforms.¹⁶ Nevertheless, there are still enormous challenges the government has to take up before it tallies with the new understanding that sovereignty entails responsibility to protect. The HIV/AIDS crisis, avian flu, its problem-ridden medical system and its food safety are just some of the cases in point. At issue are whether a technocrat without political affiliation to the Chinese

¹⁴ Catherine Armitage and Zhang Yufei, 'China Looks Our Way for Healthcare Solutions', *The Australian*, 19 September 2005, Internet Edition.

¹⁵ One of the measures is to extend a pilot insurance scheme, which requires the central government, local governments and rural residents each to contribute 10 yuan a year to a common fund, to 40% of the 2,000-strong counties in the country in 2006 and to double the contribution on the part of the government to 40 yuan. The central government would earmark an additional 4.2 billion yuan in 2006 for medical projects. See Wen Jiabao, *Report on the Work of the Government (2006)* (the national government's annual report delivered to the Fourth Session of the Tenth National People's Congress on 5 March 2006); the full text of the Report is available at http://news.xinhuanet.com/english/2006-03/14/content_4303943.htm (accessed 17 March 2006).

¹⁶ On the one hand, Gao Qiang was demoted to vice-minister in governmental position but on the other hand, he remains the party secretary of the ministry. Under the Chinese Communist system, party chief is the one who can make the final decision for the ministry. Shi Jingtao, 'Non-Communist Usurps Health Chief, Who Becomes deputy', *South China Morning Post*, 30 June 2007; and Josephine Ma, 'The Health Shake-up: How Beijing's New Man Measures up to the Old', *South China Morning Post*, 30 June 2007.

Communist Party (CCP) can muster sufficient political clout to push ahead with the contentious reforms, and how serious the Chinese party-state treats the reforms.¹⁷

In addition, China has not yet fully internalised the norms of cooperative multilateralism and transparency in reporting and data-sharing. There is no fundamental change in the way China perceives itself and others. The Draft Law on Emergency Management constitutes an example. The bill, under review by the Standing Committee of the National People's Congress in June-July 2006, threatens to impose fines ranging from 50,000 yuan to 100,000 yuan on news media for reporting on public emergencies with no prior government authorisation. Public emergencies include natural disasters, outbreaks of epidemics and social unrest. Although Chinese officials stress that the law is to upgrade the country's ability to cope with outbreaks of natural and industrial hazards and health crises, critics warn that the law would give much leeway to local governments to cover up outbreaks of public-health crises by forcing mass media to seek approvals before reporting on the outbreaks.¹⁸

In evaluating the effectiveness of China's HIV/AIDS prevention, treatment and care policy, both the Chinese government and UN agencies conclude that China still faces a number of key challenges. Problems are particularly acute in localities where leaders often do not understand sufficiently the dangers of HIV/AIDS. Implementation of the 'Four Frees and One Care'¹⁹ policy remains relatively

¹⁷ Chen Zhu, who replaced Gao Qiang as the Minister of Health on 29 June 2007, is reportedly the first person who has no political affiliation and the second non-CCP member being appointed as a minister in China. See 'Non-Party Member Becomes China's New Health Minister', *Xinhua News Agency*, 29 June 2007.

¹⁸ 'China Mulls Emergency Management Law', China Internet Information Center, 24 June 2006, available at <http://www.china.org.cn/english/2006/June/172662.htm> (accessed on 22 July 2006); Geoffrey A. Fowler and Qin Juying, 'Beijing's New Media Bill Stirs Domestic Criticism', *Wall Street Journal Asia*, 27 June 2006; Joseph Kahn, 'Beijing Official Says Curbs Apply to Foreign Journalists', *New York Times*, 4 July 2006; Josephine Ma, 'Plan to Fine Media over Emergencies Criticised', *South China Morning Post*, 4 July 2006; 'Mainland Gag Would Include Foreign Media', *South China Morning Post*, 4 July 2006.

¹⁹ The 'Four Frees and One Care' policy is a nationwide policy to provide: (a) Free ARV drugs to AIDS patients who are rural residents or people with financial difficulties living in urban areas; (b)

ineffective in some areas. Henan has several notorious 'AIDS villages' in which farmers contracted HIV/AIDS through dubious blood selling sponsored by local governments in the 1990s. Shangcai is one of the most seriously affected counties in the province. After the exposure of the AIDS crisis there, both the central and local governments have pledged to provide medical aid and financial support in order to improve the situation. However, it was alleged that by paying lip-service to supporting the central government's policy on 'Four Frees and One Care', local officials siphoned off aid money and resources, giving little to the patients and the people in need. More seriously, all of the charity gifts donated by various organisations could scarcely reach HIV/AIDS carriers or their families. Dr Gao Yaojie, a 80-year old gynaecologist in Henan province, called on aid groups and people sympathetic to the victims not to raise and offer any aid to Shangcai county as local officials would embezzle it. She said that Shangcai county's policy on HIV/AIDS prevention and control was no more than a trap.²⁰ Also in Henan, the provincial health authorities have blocked Médecins Sans Frontières (MSF) from operating an HIV/AIDS treatment project in the province.²¹

In addition, while the Chinese central government has been committed to the provision of a free AIDS treatment programme since late 2003, it is still a moot point whether local governments implement a truly 'free' programme. It has to be noted that some cities and provinces, such as Guangxi province and the city of Guangzhou

Free Voluntary Counselling and Testing (VCT); (c) Free drugs to HIV infected pregnant women to prevent mother-to-child transmission, and HIV testing of newborn babies; (d) Free schooling for children orphaned by AIDS; and (e) Care and economic assistance to the households of people living with HIV/AIDS. See *2005 Update on the HIV/AIDS Epidemic and Response in China* (Ministry of Health of the PRC, Joint United Nations Programme on HIV/AIDS and World Health Organisation, 24 January 2006), p. iii and pp. 11-12.

²⁰ See Jiang Xun, 'Tamen lian Wen zongli du gan pian' (They even dare to cheat Premier Wen), *Yazhou Zhoukan (Asia Weekly)*, 8 January 2006, p. 22. The former party secretary of Shangcai, Yang Songquan, and other local officials were allegedly arrested in June 2006 for appropriating 10 million yuan in HIV/AIDS-prevention funds. Bill Savadove, '10m Yuan in Aids Funds Embezzled', *South China Morning Post*, 24 July 2006.

²¹ Chan Siu-sin, 'Aid Group's HIV Work Blocked for Four Years,' *South China Morning Post*, 19 June 2006; and Pierre Haski, 'A Report From the Ground Zero of China's AIDS Crisis', *YaleGlobal Online*, 30 June 2005.

in Guangdong province, have more or less fulfilled the requirement of providing free treatment. Not only do they give free antiretroviral treatment but also waive other AIDS-related health service charges or provide HIV/AIDS patients with financial subsidies to cover inpatient costs. However, according to a report entitled *Missing the Target #5*, published by the International Treatment Preparedness Coalition (ITPC) in December 2007, '[t]he only part of the treatment that is truly 'free' [in China] is the ARVs (anti-retrovirals) themselves'. There are still multiple charges for HIV/AIDS-related health services, including CD4 tests, Western blot confirmation tests, regular diagnostic tests and opportunistic infection tests, in many parts of the country. Many hospitals in China, especially those under heavy financial pressure to generate revenue, charge patients for both tests and opportunistic infection treatments.²²

There are inherent faults with the ARVs, though they are provided free of charge. Until 2007, only five domestically-made generic drugs and four patented drugs obtained from overseas pharmaceutical firms were available in China (see Table 4.1). However, four of the domestically produced ARVs are not on the WHO's list of recommended first-line treatments for HIV/AIDS carriers and two of them are already on a 'not recommended' list of the US National Institute of Health treatment guidelines.²³ On top of this, one of the domestically-made drugs, NVP, produced by the Shanghai DESANO Pharmaceutical Co., is not suitable for patients with Hepatitis B who would be likely to have severe side-effects after taking it. The government procured almost 20 million NVP pills in 2007, the largest procurement from the government among all available ARVs in China.²⁴ The irony of this is that up to 10% of China's population are Hepatitis B positive.

²² The International Treatment Preparedness Coalition (ITPC) is a group of more than 1,000 treatment activists from over 125 countries. It was established during the International Treatment Preparedness Summit that took place in Cape Town, South Africa in 2003. See *Missing the Target #5: Improving AIDS Drug Access and Advancing Health Care for All* (ITPC, December 2007), p. 13; the report is available at <http://www.aidstreatmentaccess.org/itpc5th.pdf> (accessed 9 December 2007).

²³ Odilon Couzin, 'Access to ARVs in China', *E-Drug*, 13 February 2004; available at www.essentialdrugs.org/edrug/archive/200402/msg00034.php (accessed 8 December 2007).

²⁴ The data are provided by an anonymous official from China's Centre for Disease Control and Prevention (CDC) in Beijing.

Table 4.1 The Supply and Availability of Anti-retroviral Drugs in China in 2007

	<i>Drug Name</i>	<i>Supplier</i>	<i>No. of Pills purchased by Central Government</i>	<i>No. of Pills Purchased by Global Fund</i>
1	Zidovudine (AZT)	Northeast Pharmaceutical Groups Co. Ltd	11 356 092	
2	Stavudine (D4T)	a). Xiamen Maike Pharmaceutical b). Shanghai DESANO Pharmaceutical	a) 16 574 520 b) 13 126 860	
3	Nevirapine (NVP)	Shanghai DESANO Pharmaceutical	19 619 400	
4	Didanosine (DDI)	Zhejiang Huahai Pharmaceutical Group Co. Ltd	17 484 510	
5	Lamivudine (3TC)	GlaxoSmithKline	8 878 170	
6	Efavirenz (EFV)	Merck, Sharp & Dohme	1 628 520	840 600
7	Indinavir (IDV)	a). Northeast Pharmaceutical Group Co. Ltd. b). Merck, Sharp & Dohme	a) 2 137 200 b) 5400	
8	Combivir (AZT + 3TC)	GlaxoSmithKline	432 660	
9	Kaletra (LPV/R)	Abbott		432 000

Note: These data were provided by an anonymous official from China's national Centre for Disease Control in Beijing in February 2008.

More complicated is that once patients start taking an anti-retroviral, they have to continue with the treatment, else drug resistance will quickly develop and they need to take new drugs, known as second-line therapies. According to Wan Yanhai, head of the Beijing Aizhixing Institute of Health Education, 60% of those who received free treatment from Shangcai county of Henan province stopped taking the free drugs after experiencing strong negative side-effects.²⁵ Information from China's National CDC shows that as at the end of 2007, only 42 807 out of the estimated 700 000 HIV/AIDS patients in the country received free first-line ARV treatment from the government. More surprisingly, the government just started piloting second-line treatment at the

²⁵ 'Access to Drugs Key to Controlling AIDS', *China Daily*, 28 June 2004.

end of 2007 and only about 100 HIV patients received free second-line treatment in the country.²⁶ If none of the drugs funded by the government are suitable, patients have to purchase expensive patented drugs by themselves. However, all of the imported patented drugs are ‘prohibitively expensive’ and as a result, the choices for HIV/AIDS carriers in China are very limited.²⁷ The ITPC also resonates that ‘access to second-line HIV/AIDS therapy is extremely limited’ in China.²⁸

Overall, the political commitment among China’s top government officials has been praised by international AIDS researchers. A report published by the journal *Lancet* in February 2007 paid tribute to China’s recent response to HIV/AIDS. Roger Detels, one of the contributors of the report, commented that China was initially ‘somewhat slow to respond’ to its AIDS crisis, however, once responding, ‘they did it in a big way’.²⁹ However, the report also concludes that in spite of this improvement, the country is still facing a ‘formidable task’. Inadequate human resources have made it hard to translate central government policies into action on provincial and local levels and to mobilize adequate resources and trained personnel.³⁰ Joel Rehnstrom of the Joint UN Programme on HIV/AIDS (UNAIDS) China Office also warned that although the central government has been increasingly open in handling the disease, the State Council Working Committee on AIDS ‘hadn’t quite really lived up to expectations’ in effective coordination with lower-level authorities.³¹ Peter Piot,

²⁶ The data are provided by anonymous informant from the China’s National CDC in Beijing in February 2008.

²⁷ Odilon Couzin, ‘Access to ARVs in China’, *E-Drug*, 13 February 2004; available at www.essentialdrugs.org/edrug/archive/200402/msg00034.php (accessed 8 December 2007).

²⁸ *Missing the Target #5: Improving AIDS Drug Access and Advancing Health Care for All* (ITPC, December 2007), p. 3; available at <http://www.aids-treatment-access.org/itpc5th.pdf> (accessed 9 December 2007).

²⁹ Zunyou Wu, Sheena G Sullivan, Yu Wang, Mary Jane Rotheram-Borus, Roger Detels, ‘Evolution of China’s Response to HIV/AIDS’, *The Lancet*, Vol. 369, No. 9562, 24 February 2007, pp. 679-690; and Maggie Fox, ‘China Praised by Researchers for its AIDS Efforts’, *Reuters*, 23 February 2007; and ‘China Should be Praised for Recent Response to HIV/AIDS, Report Says’, *Kaiser Daily HIV/AIDS Report*, 26 February 2007.

³⁰ Zunyou Wu et al (2007), p. 687.

³¹ ‘UN Says Aids Panel Needs to Lift Game as Number at Risk Rises’, *South China Morning Post*, 24 June 2006.

executive director of UNAIDS, also noted that there was a mismatch between national policy made by the central government and its enforcement at local levels. He asserted that patients and NGOs should be given more room for involvement in the fight against the disease.³²

Working with Multiple Actors inside China

Ever since China admitted the problem of HIV/AIDS in 2001, not only has it revised its laws and regulations in combating infectious diseases but also has drawn in different actors, both state and non-state, to combat HIV/AIDS inside the country. The Chinese central government has demonstrated greater willingness to engage with various countries and international organisations to manage its public health, especially the HIV/AIDS, crisis. Accordingly, China has cooperated with more than 20 international organisations and countries on the prevention and control of AIDS in China³³ and all China's 31 provincial units (provinces, autonomous regions and municipalities of provincial ranks) are covered with international AIDS cooperation programmes.³⁴ As at January 2006, China had received external donation worth approximately 2.2 billion yuan (US\$275 million) to support its AIDS treatment programmes.³⁵ Partners include UN agencies (e.g. UNAIDS, WHO, UNICEF, World Bank), the international non-governmental organisations (e.g. Global Fund to Fight AIDS, Tuberculosis and Malaria, the Clinton Foundation, the Bill and Melinda Gates Foundation), sovereign states (e.g. Australia, the United Kingdom) as well as private business corporations (e.g. the Global Business Coalition on HIV/AIDS).

³² Ben Blanchard, 'China AIDS policy must be matched by enforcement – UN', *Reuters News*, 11 September 2006; 'UN AIDS chief presses China', *Agence France Presse*, 11 September 2006.

³³ 'China Outlines Strategy to Fight AIDS', *China Daily*, 10 July 2004.

³⁴ *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC and UNAIDS and WHO, 24 January 2006), p. 10; and *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2004)* (Beijing: State Council AIDS Working Committee Office of the PRC and UN Theme Group on HIV/AIDS in China, 1 December 2004), p. 23.

³⁵ *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC and UNAIDS and WHO, 24 January 2006), p.10.

UN Agencies

Working with UN agencies, China now provides more accurate data and has formulated a better-informed strategy to rollback the spread of HIV/AIDS. For a long time, China faced a serious challenge in compiling reliable data of the HIV/AIDS situation in the country. Many NGOs and AIDS activists condemned and suspected the authenticity of the official figures about HIV/AIDS in China. Poor transparency about the disease was one of the reasons. Lack of a comprehensive surveillance and testing system was another hurdle as it was almost impossible for the government to get hold of reliable data. The problem of identifying HIV/AIDS carriers was officially admitted by the Ministry of Health. In a conference on AIDS, jointly hosted by the Ministry of Health and the Global Business Coalition on HIV/AIDS in Beijing in March 2005, the Vice Minister of Health, Wang Longde, conceded that the government had ‘no information about most HIV carriers’, which therefore tied the hands of the government in providing necessary and timely treatment to them.³⁶ Indeed, poor quality Chinese data have been a major problem. A report, entitled *Averting a Full-blown HIV/AIDS Epidemic in China*, prepared by the Center for Strategic and International Studies (CSIS) and published in 2003, specifically indicated that poor baseline data and limited assessment capacity was one of the four stark challenges for the Chinese leaders to tackle its AIDS problems.³⁷

With increased technical and financial support from UN agencies, China is now trying to present a more open and better estimation of its AIDS situation. The UN Theme Group on AIDS, the UN’s co-ordination body, in China comprises seven sponsoring agencies – International Labour Organisation (ILO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organisation (UNESCO), United Nations Population Fund (UNFPA), United Nations Children’s Fund (UNICEF), World Health Organisation (WHO) and the World Bank.

³⁶ Josephine Ma, ‘Lack of Information Hinders Fight against AIDS’, *South China Morning Post*, 19 March 2005; and ‘China Plans Database of HIV/AIDS Victims’, *China Daily*, 21 March 2005.

³⁷ J. Stephen Morrison and Bate Gill, *Averting a Full-Blown HIV/AIDS Epidemic in China* (Washington DC: Center for Strategic and International Studies, 2003), p. 7.

The UNAIDS Beijing office acts as a secretariat to the Theme Group.³⁸ The WHO has assisted in developing national sexually transmitted infections/HIV/AIDS Surveillance guidelines and improving surveillance data feedback mechanisms.³⁹ Cooperating with the UN Theme Group on AIDS, the Ministry of Health of the PRC has since 2004 published several reports on China's response to HIV/AIDS.⁴⁰ In one of the reports entitled *2005 Update on the HIV/AIDS Epidemic and Response in China*, the estimated number of persons with HIV/AIDS was significantly downsized 22% from 840 000 to 650 000 persons. Surprisingly scepticism about this new downsized figure from the international community was scant. One of the reasons for this may be that the new figure was endorsed by both UNAIDS and the WHO, which argued that the new figure was derived from better data collection and calculation models. It is for sure that subsequent to working with UN agencies, China's mechanisms for national surveillance have improved and the estimate of the size of the HIV/AIDS disease burden in China is more precise and reliable, thereby dispelling widespread international suspicion about China's official AIDS data. More importantly, accurate data are certainly crucial and helpful for the government to have a better plan to arrest the spread of the disease.

As part of its cooperative programme with intergovernmental organisations, China collaborates with the UNICEF in implementing a national AIDS policy known as 'Four Frees and One Care'.⁴¹ UNICEF began in October 2001 carrying out an

³⁸ 'HIV/AIDS Project Digest', *China Development Brief*, 1 June 2002; available at <http://www.chinadevelopmentbrief.com/node/163> (accessed 7 May 2008).

³⁹ 'HIV/AIDS Project Digest', *China Development Brief*, 1 June 2002; available at <http://www.chinadevelopmentbrief.com/node/163> (accessed 7 May 2008).

⁴⁰ See *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2004)* (Beijing: State Council AIDS Working Committee Office of the PRC and UN Theme Group on HIV/AIDS in China, 1 December 2004); *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC, Joint UN Programme on HIV/AIDS and WHO, 24 January 2006); and *A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China (2007)* (Beijing: State Council AIDS Working Committee Office of the PRC and UN Theme Group on AIDS in China, 1 December 2007).

⁴¹ Ministry of Health of the People's Republic of China, UN Programme on HIV/AIDS and WHO, *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: National Centre for AIDS/STD Prevention and Control, China CDC, 24 January 2006).

experimental intervention scheme in the seven most seriously plagued villages in Shangcai county in Henan province. By June 2003, the intervention had extended to all 25 villages in the county, and a supervisory group for the intervention work had been formed.⁴² In the period 2006-2010, UNICEF will spend up to US\$100 million on combating HIV/AIDS in China.⁴³ In addition, cooperating with the ILO, the All-China Federation of Trade Unions (ACFTU) launched in July 2008 a three-year project to prevent the spread of HIV/AIDS among high risk segments of the migrant work force. In line with the government's AIDS Action Plan, the ACFTU-ILO project aims to introduce an AIDS intervention programme among 90% of the 150 million migrant workers by 2010 and the focus of this project will be on those areas with many migrant workers, such as Guangdong, Yunnan and Anhui provinces and the Xinjiang Uygur autonomous region.⁴⁴

The World Bank has since 1996 supported China in the field of HIV/AIDS in a comprehensive disease prevention loan project in eight cities in China. In 1999, the Bank granted US\$60 million in total for the Health IX Project, of which US\$35 million was allocated to a STI/HIV/AIDS component project in the country. Effective 24 January 2001, the project is focused on Guangxi, Xinjiang autonomous regions, Fujian and Shanxi provinces.⁴⁵ With supplements from the governments of Australian and Japanese, the project aim, among others, is to promote and support NGO involvement in HIV/AIDS prevention, care and control. Seven NGOs have been funded by the scheme to coordinate and support the major activities of the project in the provinces. The seven NGOs and their projects are: 1) Xinjiang HIV/AIDS Prevention and Control Association – harm reduction among intravenous drug users (IDUs) in Xinjiang; 2) Xinjiang Red Cross – youth peer education; 3) Fujian Women's Federation – prevention for female high-risk groups in Fujian; 4) the China Association of AIDS/STD Prevention and Control and the Preventive Medical Board of Shanxi – community-based health education and support for people with HIV; 5)

⁴² 'Checking Mother-to-Child HIV Transmission', *China Daily*, 15 January 2005.

⁴³ Stephanie Hoo, 'UNICEF Chief Lists AIDS, Childhood Injuries as Fresh Challenges Facing a Changing China', *Associated Press Newswires*, 24 February 2005.

⁴⁴ 'Migrant Workers to Get Help in AIDS Fight', *China Daily*, 29 July 2008.

⁴⁵ Wang Longde (ed), *Review: 20 Years' Cooperation between China and the World Bank in Health* (Beijing: China Financial and Economic publishing House, 2004), p. 316.

Guangxi Family Planning Association – AIDS/STI education and condom promotion among migrant workers; 6) the Shanxi Trade Union and China AIDS Network – AIDS/STI awareness among coal miners; and 7) Fujian Family Planning Association – safer sex education and condom promotion among migrants in Jinjiang city in Fujian province.⁴⁶

INGOs

The most prominent partnership by measure of financial assistance with which China is engaging is the Global Fund to Fight AIDS, Tuberculosis and Malaria (hereafter Global Fund), an international independent public-private partnership or an international non-governmental organisation (INGO). As of September 2007, among 113 countries, China was ranked as the third highest recipient, after Ethiopia and Tanzania, of the Global Fund disbursements.⁴⁷ Having been rejected twice in 2001 and 2002, China's application to the Global Fund was first accepted in the third round of applications in 2003.⁴⁸ Since then, China has been consecutively awarded funding by this organisation. China's Centre for Disease Control and Prevention (CDC) has been granted about US\$180 million in total to run four different projects to mitigate the impact and reduce the spread of HIV/AIDS in China.⁴⁹ The four projects are: China Comprehensive AIDS Response (CARES) Project, which is a community-based HIV treatment, care and prevention programme in Central China; Reducing HIV Transmission among and from Vulnerable Groups and Alleviating Its Impact in Seven Provinces in China; Preventing a New Wave of HIV Infections in China; and Mobilizing Civil Society to Scale Up HIV/AIDS Control Efforts in China.

⁴⁶ 'HIV/AIDS Project Digest', *China Development Brief*, 1 June 2002; available at <http://www.chinadevelopmentbrief.com/node/163> (accessed 7 May 2008).

⁴⁷ 'Global Fund Disbursements (By country) as of 7 September 2007', *Kaiser Daily HIV/AIDS Report*; available at <http://www.globalhealthfacts.org/topic.jsp?i=42> (accessed 8 May 2008).

⁴⁸ Bates Gill, J. Stephen Morrison and Drew Thompson (2004), p. 11.

⁴⁹ For details of these four projects can be seen at: <http://www.theglobalfund.org/programs/search.aspx?lang=en> (accessed 22 April 2008).

In order to qualify for the Global Fund's financial support, China must meet certain criteria. One is to cooperate with NGOs inside the country. For example, in the fifth round of applications, China pledged to use 43% of the US\$29 million it asked for to work with NGOs to combat the AIDS epidemic nationwide. Official figures show that between 2002 and 2006 China granted around US\$2.5 million to fund 231 NGO projects to curtail the AIDS epidemic, covering almost all of its 31 provinces, municipalities and autonomous regions.⁵⁰ However, there is heated debate on the selection of NGOs. Some AIDS activists, such as Wang Yanhai, criticised that the system lacked transparency, and was unequal and 'full of double standards'.⁵¹

The second INGO which is involved in China's HIV/AIDS prevention campaign is the Bill & Melinda Gates Foundation. It committed in November 2007 US\$50 million over five years to expanding HIV/AIDS prevention in China and aims to increase high-risk groups' access to various HIV/AIDS prevention programmes, such as prevention services, HIV testing, prevention and support for people living with HIV, and stigma reduction. Of the total funding, US\$20 million is to be allocated to the Chinese Ministry of Health. The Office of the State Council AIDS Working committee is obliged to justify the specific uses of the fund. The remaining US\$30 million is designed as grants for local, national, and international NGOs to apply in the prevention programmes.⁵²

The Clinton Foundation is another major INGO dedicated to curbing HIV/AIDS in China. Not long after the former US president Bill Clinton visited China and gave a keynote speech at an AIDS/SARS summit at Tsinghua University in Beijing in November 2003, a Memorandum of Understanding between the Ministry of Health of the PRC and the Foundation was signed. According to the Memorandum, the Clinton

⁵⁰ 'Chinese Government to Boost Cooperation with, Support for NGOs Fighting HIV/AIDS, Health Ministry Official Says', *Kaiser Daily HIV/AIDS Report*, 5 October 2006.

⁵¹ Mare Dickie, 'China to Receive AIDS Grants Despite Dispute over Supervisory Board', *Financial Times*, 11 July 2006.

⁵² 'Major Commitment to Expand HIV Prevention in China', *Bill & Melinda Gates Foundation*, 14 November 2007; available at http://www.gatesfoundation.org/GlobalHealth/Pri_Diseases/HIVAIDS/Announcements/Announce-071114.htm (accessed 8 May 2008).

HIV/AIDS Initiative, starting from 2004, would provide financial and technical support for China to develop a nationwide care and treatment plan. The organisation would work with the Ministry of Health to undertake HIV/AIDS prevention educational programs and drug treatment in Henan, Yunnan, and Anhui provinces.⁵³

Government-Spanning Networks

Furthermore, the Chinese government is now trying to create a globe-spanning networked response to its looming health crisis. As Anne-Marie Slaughter has described, foreign relations of nation-states in the 21st century are no longer conducted exclusively by the ministries of foreign affairs or the heads of the state, but rather by a dense web of governmental policy networks formed by various government units. These government-spanning networks are now playing an ever-increasing role in international relations.⁵⁴ In terms of capacity building, these globe-spanning networks are more promising in tackling China's looming health crisis. Therefore, to facilitate exchanges of knowledge with overseas experts as well as building up its capability to address public health crises, the Ministry of Health has been sending its officials overseas to participate in exchange programmes in public health.

As mentioned before, Australia's comprehensive and effective strategies for curbing HIV/AIDS are highly commended by the international community. The Chinese Government and AusAID, the Australian Government's overseas aid agency, have set up a strong cooperation network between the two countries' health officials. Accordingly, 700 Chinese government officials have been sponsored by the Australian Government to study in various Australian universities.⁵⁵ One of the

⁵³ 'Clinton Foundation Helps China Combat HIV/AIDS', *Clinton Foundation*, 29 April 2004; available at <http://www.clintonfoundation.org/042904-nr-cf-hs-ai-chn-pr-clinton-foundation-helps-china-combat-aids.htm> (accessed 8 May 2008).

⁵⁴ Anne-Marie Slaughter, 'The Real New World Order', *Foreign Affairs*, Vol. 76, No. 5, 1997, pp. 183-197; idem, *A New World Order* (Princeton and Oxford: Princeton University Press, 2004).

⁵⁵ 'Australian Scholarships', *AusAID*, Australian Government official website; available at <http://www.ausaid.gov.au/china/scholarships.cfm> (accessed 6 May 2008).

successful cases is the exchange and study programme whereby officials and specialists from the Chinese Center for Disease Control and Prevention (China CDC) in Beijing and various provinces go to Queensland, Australia for research and development purposes. The Ministry of Health applied for and successfully received the 'Australian Leadership Awards – Scholarships' in 2007, AusAID regional programme targeting developing countries. The first batch of students, consisting of 12 officials from the CDC, was dispatched to Brisbane in July 2007 to undertake one-year of postgraduate study in Environmental and Public Health Management at Griffith University. The second batch, another 20 officials from different CDC offices in China, arrived in Brisbane in February 2008 to undertake the same course of study at Griffith.

In addition, the China-Australia Health and HIV/AIDS Facility (CAHHF) held its first workshop on exchanging health related activities in China in November 2007. The representatives from AusAID presented the strengths of Australia's health sector in front of all 38 representatives from different departments and divisions of the Ministry of Health of the PRC and the CDC. They also explored the potential for building partnerships between the two countries. In addition, a committee for the Tibet Health Sector Support Program (THSSP) was established in 2004 by AusAID, with an AU\$16 million budgetary commitment from Canberra.⁵⁶ In order to improve the capacity of the CDC's health management in Tibet, the committee has not only introduced modern management know-how to Shannan Hospital in the region but also committed to training 350 CDC staff across the region in health management. The committee also recognised the growing importance of strengthening the responsiveness of HIV/AIDS in that area.⁵⁷

In addition, the Chinese Government and AusAID commenced a seven-year HIV/AIDS Prevention and Care project in the northwestern Xinjiang Uygur Autonomous Region in March 2002. This project was proposed by the PRC

⁵⁶ 'HIV/AIDS Project Digest', *China Development Brief*, 1 June 2002; available at <http://www.chinadevelopmentbrief.com/node/163> (accessed 7 May 2008).

⁵⁷ *AusAID China Update* (Beijing: Australian Embassy, Winter 2007/08), p. 5; available at http://www.usaid.gov/au/china/pdf/newsletter_winter07.pdf (accessed 6 May 2008).

government and was approved in 2000 by the Australian government, which has committed AU\$18.5 million in total to this project.⁵⁸ The aims of the project are to reduce the transmission of HIV infection and the adverse effect of the epidemic on the social and economic development of the region through a range of strategies, such as improving the capacity of local institutions to deal with HIV/AIDS, training health workers, and promoting HIV awareness among the public.⁵⁹ In evaluating the first five-year of work, the coordination committee noted that the project has made positive achievements. For example, through their promotion and education programmes, the rate of condom use among sex workers in the Tianshan district has dramatically increased from 53% to 90.4% in their last three sexual contacts; and the sharing of needles and syringes among drug users has decreased by 51.5% in 2007.⁶⁰

Apart from Australia, another significant donor country towards China's AIDS prevention and control is the United Kingdom. Since 2000 the UK, through its Department for International Development (DFID), has committed GBP25 million to supporting two major projects to curb HIV/AIDS in China. The first project was the China-UK HIV/AIDS Prevention and Care Programme, which cost GBP20 million between 2000 and 2006.⁶¹ By focusing on Yunnan and Sichuan provinces with

⁵⁸ Details of the project design can be seen: *Xinjiang Uygur Autonomous Region People's Republic of China – HIV/AIDS Prevention and Care Project, Government of Australia and the Government of the People's Republic of China*, (Australian Agency for International Development, December 2000); available at http://www.usaid.gov.au/publications/pdf/hivprevention_china_pdd.pdf (accessed 9 May 2008).

⁵⁹ 'Australian Ambassador Signs Exchange of Letters for Two Australian Aid Projects in China', *Australian Government AusAID Archived Media*, 1 March 2007; available at <http://www.usaid.gov.au/china/media/mr070301.cfm> (accessed 6 May 2008)' and 'Australian Expertise to Tackle HIV/AIDS in China', *Australian Government AusAID Archived Media Release*, 28 March 2002; available at http://www.usaid.gov.au/media/release.cfm?BC=Media&ID=9166_4240_3493_3524_9567 (accessed 6 May 2008).

⁶⁰ *AusAID China Update* (Beijing: Australian Embassy, Winter 2007/08), pp. 5-6; available at http://www.usaid.gov.au/china/pdf/newsletter_winter07.pdf (accessed 6 May 2008).

⁶¹ *China Steps up Fight against AIDS with UK Support*, (Department for International Development, February 2006); available at <http://www.dfid.gov.uk/news/files/pressreleases/china-fight-aids.asp> (accessed 7 May 2008). When I was interviewing an informant about the project at the HIV/AIDS

additional support to Hunan, Hubei, Gansu, Guangxi, Jilin and Zhejiang provinces, the China-UK HIV/AIDS Prevention and Care Programme was aimed at developing replicable models of HIV/AIDS prevention, treatment and care for high-risk and vulnerable groups in China and enhancing institutional capacity building at national, provincial and county levels to deliver a comprehensive scaled up response.⁶² Towards the end of this project, the HIV/AIDS Policy Research Centre at Tsinghua University was commissioned by the China's National CDC and the project management to prepare a full assessment about this project. The report, entitled *Zhengce pinggu baogao* (Policy Assessment Report), concludes that the programme has increased the awareness and prevention of HIV/AIDS, particularly among the high-risk group and vulnerable groups. It gives a highly positive appraisal of the overall progress of the programme.⁶³ The second project between these two countries is the ongoing China AIDS Roadmap Tactical support (CHARTS). The DFID committed GBP5 million to developing China's strategic capacity to deliver an effective and coordinated response to HIV/AIDS.⁶⁴

Creating Incentives for Corporate Responsibility

Research Centre at Tsinghua University in Beijing on 26 January 2007, an interesting story was told. According to the interviewee, the China-UK project in China went ahead because of the pre-1997 Sino-UK conflict over the construction of Hong Kong International Airport. In order to settle the conflict, the British government agreed to provide GBP20 million for a development project in China but had not yet decided for what cause. Coincidentally, a British official tour visited Yunnan province around that time and learned the seriousness of HIV/AIDS in the area. They decided to use the money for a project to combat HIV/AIDS in China. So, the project was designed by the UK government and it provided technical experts in HIV/AIDS. However, the management and decision-making of the project was maintained on the Chinese side.

⁶² *DFID China Briefing Paper: HIV/AIDS* (Department of International Development of the United Kingdom, November 2005); available at <http://www.dfid.gov.uk/pubs/files/china-hiv.pdf> (accessed 7 May 2008).

⁶³ *Zhengce pinggu baogao* (Policy Assessment Report) (Beijing: Chinese Center for Disease Control and Prevention, China-UK HIV/AIDS Prevention, and Care Programme and School of Humanities and Social Sciences at Tsinghua University). The report does not provide the publication year.

⁶⁴ *DFID China Programme – Current Activities*, (Department for International Development, February 2006); available at http://www.dfid.gov.uk/countries/asia/China/china_programme.pdf (accessed 7 May 2008).

As a means to respond to the challenges of globalisation, the UN Global Compact, initiated by the then Secretary-General Kofi Annan, engages transnational corporations in promoting corporate social responsibility. Since states, national economies and even social lives fall increasingly under the regulation of global-level 'private authorities', there is a rising need to include private global regulations into global governance. The UN Global Compact is not a legally binding code of conduct but rather a business network which helps to create global public value among transnational companies. With a consensus-based standard of corporate social responsibility, companies recognise and disseminate 'good practice' and try to build up momentum towards achieving its universal principles. The major advantage of this Global Compact network approach is that it facilitates the forming of private-public partnerships in response to complex and rapidly changing environments. John Gerard Ruggie argues that the global public domain in international politics has been transformed from state centrism to 'the growing significance of global corporate social responsibility initiatives triggered by the dynamic interplay between civil society actors and multinational corporations.'⁶⁵ A good example is corporate involvement in HIV/AIDS treatment programmes in Africa. Civil society organisations take the lead in 'pushing' or encouraging transnational corporations to contribute to curbing the AIDS pandemic, particularly in those areas where the public sector is unable or unwilling to perform.⁶⁶

⁶⁵ John Gerard Ruggie, 'Reconstituting the Global Public domain – Issues, Actors, and Practices', *European Journal of International Relations*, Vol. 10, No. 4, 2004, p. 499.

⁶⁶ One of the strategies used by civil society organisations is to embarrass transnational firms by linking their business revenue to moral issues in developing countries. For example, AIDS activists highlighted Coca-Cola as having one of the largest distribution networks in Africa and its responsibility towards its employees in the continent at the 2002 Barcelona AIDS conference. Subsequently Coca-Cola was 'forced' to provide anti-retroviral treatment to all of its employees in Africa. According to a global economic survey, 16% of firms worldwide have provided their employees with information about risks and responses to HIV/AIDS; 10% have offered preventive programmes; and 5% have provided anti-retroviral treatment to their employees. See John Gerard Ruggie (2004), pp. 499-531; idem, 'The Theory and Practice of Learning Networks: Corporate Social Responsibility and the Global Compact', *The Journal of Corporate Citizenship*, Spring 2002, pp. 27-36; and idem, 'Global_Governance.Net: The Global Compact as Learning Network', *Global Governance*, Vol. 7, No. 4, 2001, pp. 371-378.

As mentioned before, it is unlikely that the Chinese government would tolerate any activities that have the potential to attenuate the supremacy of the Chinese communist Party in ruling the country. Enlarging the public domain inside the country is certainly a vexing question. However, in order to wage an effective campaign to fight the disease, China has recently opened its doors to the corporate world and called on the private sector to join its fight against the disease. The first ever meeting to mobilise a business response to HIV/AIDS in China was initiated in 2003. Harvard University, the World Economic Forum and UNAIDS together convened a series of workshops called ‘HIV/AIDS and Business in Africa and Asia: Building Sustainable Partnerships’. The last workshop of this series was held in Beijing on 5 November 2003. It highlighted the potential economic impact of AIDS and its relevance to businesses operating in China. Shen Jie, Director of China’s National CDC, publicly recognised the role of the business sector in the government’s response to its AIDS crisis during the meeting.⁶⁷ This was the first time the Chinese government called for public-private partnerships in managing a health crisis. Later, in a summit on AIDS, jointly hosted by the Ministry of Health and the Global Business Coalition (GBC) on HIV/AIDS in Beijing on 18 March 2005, then-Vice Premier and the incumbent Health Minister, Wu Yi, further urged private companies and NGOs to play a greater role in halting the spread of HIV/AIDS in China. She indicated that the government could not win the battle by fighting the war alone. Combating AIDS is not just a government obligation, ‘but also the common responsibility of society as a whole, including business.’⁶⁸

The GBC is an organisation that leads more than 220 private companies around the world to combat HIV/AIDS, tuberculosis and malaria through business sector contributions. In response to Wu’s call to establish public-private partnerships, 26 companies in China committed themselves to implementing non-discrimination

⁶⁷ ‘Business Initiates Dialogue with Chinese Government and Other Stakeholders to Address HIV/AIDS in China’, John F. Kennedy School of Government at Harvard University, available at http://www.hks.harvard.edu/m-rcbg/news/HIV-AIDS%20press%20release_nov62003.htm (accessed 17 May 2008).

⁶⁸ Matt Pottinger, ‘China Urges Businesses to Stem AIDS’, *The Asian Wall Street Journal*, 21 March 2005; and Joseph Kahn, ‘World Briefing Asia: China: Business Urged to Help Fight AIDS’, *The New York Times*, 19 March 2005.

policies for HIV/AIDS in their China-based firms before 1 December 2005. The purpose was to protect employees from discrimination by their employers or other employees.⁶⁹ The purpose of the GBC is to assist member companies and tailor individual responses to address the HIV/AIDS epidemic in the workplace and the community. For example, the Standard Chartered Bank, one of the members of the GBC in China, has provided compulsory courses on HIV/AIDS basic awareness and prevention for new employees. All employees are also encouraged to participate in community outreach programs, such as distributing HIV/AIDS pamphlets to the public.⁷⁰

In China, migrant workers are mostly young and work in the construction and manufacturing sectors or in the service industry. They normally endure long working hours and are separate from their families. The opportunity for them to engage in high-risk unprotected commercial sexual behaviour is soaring. Because of their lower education status, they are normally unaware of the risks of any unprotected sexual activities. According to Beijing's Health Bureau, about 80% of Beijing's new HIV cases in 2006 were among migrant workers.⁷¹ Therefore, the Ministry of Health has already identified migrant workers as one of the high-risk groups for HIV transmission. Hence, increasing their awareness about the disease is deemed essential to control and prevent the spread of HIV/AIDS in the country. Given that there are around 150 million migrant workers travelling to major coastal cities from rural areas

⁶⁹ The 26 companies are: Anglo American, APCO Worldwide, Bayer, BD (Becton Dickinson), Beijing Air Catering co. Ltd, BP, BMH Instruments Co. Ltd, Gobon Guilin Latex, GlaxoSmithKline, Horizon Research Group, Johnson & Johnson, Lafarge, M.A.C. Cosmetics, MSD China, National Basketball Association (NBA), Ogilvy Public Relations Worldwide, PFT Group, Pfizer Inc., Qingdao Double Butterfly, Rio Tinto, Royal Dutch/Shell Group of Companies, SOHU.com, Standard Chartered Bank, STAR, TOTAL Group, and Unilever. See '26 Companies of the Global Business Coalition on HIV/AIDS (GBC) Announce Immediate Commitments to Fight AIDS in China', Global Business Coalition on HIV/AIDS, Tuberculosis and Malaria, 17 May 2005; available at <http://www.gbciimpact.org/live/media/news/article.php?id=533> (accessed 3 May 2008).

⁷⁰ 'China Business and AIDS Working Group Highlights from January 13, 2005 Meeting', Global Business Coalition on HIV/AIDS, Tuberculosis and Malaria; available at <http://www.gbciimpact.org/live/events/past.php> (accessed 2 March 2006).

⁷¹ 'New Media Partnership Tackles HIV/AIDS in China', GBC China Initiatives; available at <http://www.gbciimpact.org/live/involved/china.php> (accessed 4 May 2008).

in inland provinces,⁷² the GBC in China worked with China's National CDC, UNAIDS, and local NGOs to initiate a pilot HIV/AIDS awareness training programme, known as 'Migrant Worker Training Programme', at some construction sites. For example, in November 2004, they kicked off the activity at a construction site for a 2008-Olympic venue in Beijing and conducted an awareness training programme in the workers' dormitory. The GBC provided materials such as pamphlets and playing cards with AIDS messages and condoms. With interactive communication, the programme raises awareness of HIV/AIDS among migrant workers.⁷³ In addition, seven GBC members – Anglo American plc, Bayer, BD, Coca-Cola, GM, Eli Lilly & Co., and SSL International – are implementing a project called 'Migrant Workers HIV, Tuberculosis, and Malaria Awareness Campaign on Trains'. Targeting China's migrant worker population, the project distributes playing cards to migrant workers before they board the trains for cities to seek employment. Each deck's 54 cards are embossed with messages related to HIV/AIDS, TB and Malaria. The purpose of this campaign is to educate migrant workers on infectious diseases and measures to protect themselves.⁷⁴

In addition, the Chinese Ministry of Health and Merck, Sharp & Dohme (MSD), a global research-based pharmaceutical firm, have developed a partnership project, called 'HIV/AIDS Community-based Prevention Initiative in Sichuan'. MSD committed in 2005 a total of US\$30 million to a five-year initiative in Liangshan, Sichuan province. This partnership project is so far the largest public-private HIV/AIDS undertaking in China. It aims to develop a comprehensive model for prevention, care, treatment, and social and financial support to the people in

⁷² 'Migrant Workers to Get Help in AIDS Fight', *China Daily*, 29 July 2008.

⁷³ 'GBC's Migrant Worker HIV/AIDS Awareness Campaign', Global Business Coalition on HIV/AIDS, Tuberculosis and Malaria, available at <http://www.gbciimpact.org/live/involved/china/migrant.php> (accessed 3 May 2008).

⁷⁴ 'GBC Migrant Workers HIV, Tuberculosis, Malaria Awareness Project distribution of Playing Cards to Train Riders' and 'New Media Partnership Tackles HIV/AIDS in China', GBC China Initiatives; available at <http://www.gbciimpact.org/live/involved/china.php> (accessed 4 May 2008).

Liangshan where the transmission rate of HIV among drug users is comparatively high.⁷⁵

SOHU.com, another member of the GBC in China, was established in 2004. The company has set up a website to provide comprehensive HIV/AIDS information in China. Working with the Chinese government, the site engages in direct information exchange with the Ministry of Health and provides various forums for announcing and discussing government policies and regulations on HIV/AIDS in China. It has been recognised as the official website for AIDS prevention. Accordingly it receives around 40,000 hits daily on average.⁷⁶

In order to remove the social stigma of HIV/AIDS and the myth that HIV can be contracted from casual contact, the National Basketball Association (NBA) China has enlisted the support of the Chinese superstar Yao Ming and its Basketball without Borders Camp to raise awareness about AIDS among the youth in China. Yao Ming and Earvin 'Magic' Johnson, an HIV positive and former NBA player, filmed a public awareness television advertisement in which they play basketball, dine together and shake hands. It began broadcasting in China in October 2004.⁷⁷

Johnson and Johnson and Elizabeth Glaser Paediatric AIDS Foundation, members of the GBC in China, have provided a 3-year programme to prevent mother-to-child transmission of HIV in Hubei province as well as strengthen the health sector in

⁷⁵ Linda M Distlerath, 'China and HIV/AIDS Public-Private Partnership: Breaking the Chain', *The World Today*, April 2006, Vol. 62, No. 4, pp. 15-17; Ministry of Health of the PRC, 'HIV/AIDS Community-based Prevention Initiative in Sichuan Expression of Interest: 001-05'; Available at www.moh.gov.cn/public/open.aspx?n_id=11041&seq=0 (accessed 22 January 2006); and 'Global Business Coalition on HIV/AIDS (GBC) Applauds Merck's New Commitment to HIV/AIDS Prevention in China', *The Corporate Social Responsibility Newswire*; available at <http://www.csrwire.com/News/3912.html> (accessed 3 May 2008).

⁷⁶ The organisation's website is <http://health.sohu.com/aizibingwangzhan.shtml> (accessed 4 May 2008); and see 'Meeting Minutes – 3 September 2004' *Global Business Coalition: China Business & AIDS Working Group*; available at http://www.kintera.org/atf/cf/%7BEE846F03-1625-4723-9A53-B0CDD2195782%7D/GBC_China_working_group_minutes-2004.09.03.pdf (accessed 17 May 2008).

⁷⁷ Sheridan Prasso, 'Magic, Yao and The NBA Take on AIDS', *Business & AIDS*, Vol. 1, No. 2, 2004, pp. 20-25.

China.⁷⁸ Anglo American Corporation, a British-based natural resources company and a member of the GBC in China, has not only provided HIV training to its entire China-based staff, but also cooperated with the local government in Wuxi, a town in Jiangsu province, to launch an AIDS awareness campaign for migrant workers.⁷⁹ Booz Allen Hamilton has provided pro-bono strategic management consulting services for China's Chi Heng Foundation (*zhixing jijin*), a Hong Kong-based NGO, to benefit AIDS orphans in China.⁸⁰

Overall, China's current proactive attitude towards multilateralism in managing HIV/AIDS marks an important milestone on the road towards good governance, especially towards providing public goods for health. The Chinese government does not only pay increased attention to its health security but is also eager to draw in a multiplicity of actors to combat its domestic HIV/AIDS problem. However, international involvement would inevitably internationalise the issue and would breed the growth of domestic NGOs, which would potentially attenuate the supremacy of the CCP in ruling the country, or erode the autonomy of the state. At issue is why China is still willing to take this risk and expand its involvement with multiple actors inside the country on its health governance. Before we conclude to what extent China has embraced the notion of health governance in combating HIV/AIDS, one more element – its reaction to a vibrant civil society – must be examined.

Responding to Civil Society Pressures

It is worth noting that all NGOs in China are required to register with the Ministry of Civil Affairs or the State Administration of Industry and Commerce.⁸¹ Those that do not register with the government agencies are normally called 'grass-roots

⁷⁸ See 'China Business and AIDS Working Group Highlights from January 13, 2005 Meeting', *Global Business Coalition on HIV/AIDS, Tuberculosis and Malaria*; available at <http://www.gbciimpact.org/live/events/past.php> (accessed 2 March 2006).

⁷⁹ Tom Miller, 'Coalitions Gain Trust of Authorities', *South China Morning Post*, 31 March 2006.

⁸⁰ 'GBC Devoted to Preventing HIV/AIDS in China', *China Daily*, 1 December 2005.

⁸¹ 'Editorial: 'GONGOS' Are Here to Stay, But Need to Reform and Open Up', *China Development Brief*, 19 April 2007; available at <http://www.chinadevelopmentbrief.com/node/1071> (accessed 30 April 2008).

organisations'. Since the Chinese government has always maintained its influence on all types of NGOs inside the country, China's NGOs have often been called by the West as GONGOs (government-organized NGOs). Sovereignty and the supreme rule of the Chinese Communist Party (CCP) are the primary considerations in the government's treatment of the non-profit sector. Traditionally the Chinese government has been wary of the growth of domestic NGOs, which are perceived to have the potential to pose political challenge to the CCP rule.

Accordingly, only around 50 NGOs nationwide and dozens of 'grass-roots organisations' are actively involved in HIV/AIDS programmes in the country.⁸² With an open admission of the problems and challenges of HIV/AIDS, China now allows the involvement of the civil society in the campaign to combat it. At an international symposium, held in Beijing on 31 August 2005, Chinese Vice Health Minister Wang Longde emphasised that Chinese NGOs have played an outstanding role in fighting HIV/AIDS, especially in the fields where the government cannot go deep, notably the gay community.⁸³ According to Chinese official figures, there are between 5 million and 10 million homosexuals in the country. Among the 700,000 Chinese living with HIV/AIDS, 11% of them contracted the virus through gay sex.⁸⁴ That explains why the government needs to set up new programmes targeting the gay community in 2008. Wang also reiterated that the government would work closely with the international community and strengthen its support for NGOs in China.⁸⁵

The government also cooperates with 'grass-roots organisations' to deal with HIV/AIDS, especially in the areas that involve international organisations funding. A typical example is the Snow Lotus Aids Project for Education and Research, one of the well-known Xinjiang grass-roots organisations. It has yet to register with any

⁸² 'Chinese Government to Boost Cooperation with, Support for NGOs Fighting HIV/AIDS, Health Ministry Official Says', *Kaiser Daily HIV/AIDS Report*, 5 October 2006.

⁸³ 'NGOs Play 'Outstanding' Role in Fight against HIV/AIDS; Vice Health Minister', *Xinhua News Agency*, 31 August 2005.

⁸⁴ 'China to Draw Up HIV/AIDS Prevention Policy for Gay People', *BBC News*, 20 February 2008; and Shan Juan, 'Nationwide Program to Combat HIV/AIDS', *China Daily*, 21 February 2008.

⁸⁵ "NGOs Play 'Outstanding' Role in Fight against HIV/AIDS; Vice Health Minister", *Xinhua News Agency*, 31 August 2005.

government department, but was allowed to receive a grant from the Global Fund to educate young people, homosexuals and intravenous drug users on the prevention of HIV infection in Xinjiang.⁸⁶

However, if we flip the coin over, a deep concern over national sovereignty, more evident after the ‘colour revolutions’ in some of the post-communist countries, has led China to tighten its control over NGOs and AIDS activists. A typical example to show the government’s multi-faceted attitude towards NGOs or grass-roots organisations is the Snow Lotus Aids Project for Education and Research, just mentioned above. After the organisation drew wide attention by publicising how people infected with Hepatitis B were discriminated against by schools and society, the organisation was suppressed and was ordered to close down by the local government which claimed the NGO was not legally registered.⁸⁷ Apparently, the government applies double standards to NGOs and AIDS activists. In addition, ample evidence shows that AIDS activists are still penalised or kept in detention for leaking any secret information about the disease in localities. Chinese officials, particularly those at subnational levels, have been at pains to prevent prominent AIDS activists from any engagement with the rest of the world. The plights of Dr Gao Yaojie, Wan Yanhai, Li Qianji, and Hu Jia and Zeng Jinyan offer vivid examples.

Gao Yaojie

Dr Gao Yaojie, an 80-year old gynaecologist in Henan province, has been named an AIDS crusader and has fought the scourge of HIV/AIDS since 1996. After exposing the HIV/AIDS epidemic and the misconduct of health officials and private entrepreneurs in the collection and dissemination of blood in the province, Dr Gao was accused of being ‘anti-government’. However, in the wake of a three-hour private meeting between Wu Yi and her – with the exclusion of Henan officials – during

⁸⁶ Mure Dickie, ‘Leading Chinese Aids Group Complains of Suppression’, *Financial Times*, 20 October 2006.

⁸⁷ Georgina Lee, ‘Xinjiang Aids NGO Calls for End to ‘State of Terror’ after Closure’, *South China Morning Post*, 20 October 2006; and Mure Dickie, ‘Leading Chinese Aids Group Complains of Suppression’, *Financial Times*, 20 October 2006.

Wu's visit to the province in December 2003, the central government began to be more tolerant of her activities in the country.⁸⁸ The national China Central Television (CCTV) honoured her with the 'Touching China' award in February 2004. In addition, she had her books, *Yiwan fengxin (Ten Thousand Letters)* (2004), and *Zhongguo aizibing tiaocha (The Investigation of AIDS in China)* (2005) published.⁸⁹ The books reveal her encounters with the victims in the AIDS villages in the province. Interestingly, the first book was published by the Chinese Academy of Social Sciences (CASS), a government think-tank in Beijing.

She was, however, blocked from receiving two overseas awards in 2001 and 2003 and has been placed under house arrest many times. In February 2007, she was again prevented from leaving the country to receive a human rights award in the US. The Vital Voices Global Partnership, a US advocacy group promoting female empowerment, informed Gao in October 2006 that she would be honoured in its March 2007 banquet in Washington, D.C. When Gao was about to leave Zhengzhou for Beijing in early February 2007 to apply to the U.S. Embassy for a travel visa, she was placed under house arrest by Henan public security officers after senior provincial officials, including Deputy Governor and Deputy Party Secretary Chen Quanguo, allegedly failed to persuade her not to attend the event and to meet US Senator Hillary Rodham Clinton, an honorary co-chair of the organisation. After the alleged interventions by Hillary Clinton and the Chinese President Hu Jintao, Gao was eventually allowed to travel to Washington. While she was in Beijing awaiting the issue of the visa, two senior Health Ministry officials paid a visit to her as a sign of their support for her trip to the US.⁹⁰

⁸⁸ 'Top Chinese Leader Met with Country's Most Famous AIDS Activist', *Agence France-Presse*, 18 February, 2004.

⁸⁹ Gao Yaojie, *Yiwan fengxin (Ten Thousand Letters)* (Beijing: Chinese Academy of Social Sciences, 2004); and idem, *Zhongguo aizibing tiaocha (The Investigation of AIDS in China)* (Guangxi: Guangxi Normal University Press, 2005).

⁹⁰ Minnie Chan, 'Aids Activists Wins Support to Health Officials for US Trip', *South China Morning Post*, 24 February 2007; and Can Sun and Xiao Tian, 'Gao Yaojie: A Doctor with Conscience', *Chinascopes*, available at <http://chinamemo.org/chinascopes/magazine/20070304/3> (accessed 20 April 2008).

Wan Yanhai

The second example is Wan Yanhai, a 44-year old former Health Ministry official and a leading AIDS activist in China. He is the head of the Beijing Aizhixing Institute of Health Education in China. Wan was put in jail for 27 days in 2002 for posting on his website a Henan government document about the HIV/AIDS outbreak there and detained for one month the following year for receiving a classified document showing that the provincial officials were aware of the AIDS problem long before their formal acknowledgement of it.⁹¹ The NGO was established in 1994 but not until 2002 was it officially registered as Beijing Aizhixing Institute of Health Education in Beijing. The organisation's website is highly informative about the disease in China.⁹² It engages in AIDS education, research and mobilising public attention on the problem of HIV/AIDS, particularly on the impact on AIDS orphans and the gay community in various provinces in China. The organisation also has prolific publications on the HIV/AIDS situation in China, ranging from analysing government policies to educating the public on the prevention and control of HIV/AIDS.⁹³ It receives financial sponsorship from various institutions, including UNESCO, UK Embassy in Beijing, the National Endowment for Democracy in the US, and AIDS organisations in France and Australia.

However, its relationship with the government is often shaky. Sometimes its activities have been banned by the government, which is surprising given it has assisted the government as well as local governments to combat HIV/AIDS problems. For example, while Wan was organising a six-day AIDS conference, which aimed to provide a platform for AIDS experts and NGOs to discuss AIDS and blood-transfusion issues, in Beijing in November 2006, he was detained by Beijing security forces just two days before the conference. Finally the conference was cancelled after

⁹¹ See John Pomfret, 'China Detains Health Official for Publicizing AIDS Coverup', *Washington Post*, 8 October 2003; and Sabin Russell, 'China Finally Taking Steps to Fight its HIV Problem', *San Francisco Chronicle*, 30 July, 2006.

⁹² The organisation's website is <http://www.aizhi.net/> (accessed 22 April 2008).

⁹³ Some of their pamphlets about the prevention of HIV/AIDS were even printed in bilingual languages of Chinese and Uyghur.

organisers received a call from Wan.⁹⁴ On the other hand, it helped the government in promoting AIDS awareness. For example, the China-UK HIV/AIDS Prevention and Care Programme sponsored the organisation for printing pamphlets for the public in Xinjiang. While attending a meeting on the social determinants of health in the Western Pacific region of the WHO in March 2006, Wang Longde, the Chinese vice Minister of Health, explicitly indicated that although the government had introduced different programs in HIV/AIDS intervention and prevention control, with regards to sexual transmission, especially among the gay community, NGOs would be in a better position than the government as they are well-established among the people. Therefore, Wang welcomed more NGOs to join together with the government in the battle of the disease.⁹⁵ One can presume that the government desperately needs the organisation's assistance in managing its AIDS problem inside the country. A representative of the institute in Beijing indicated in 2007 that the organisation's work is accepted and recognised by the government.⁹⁶ While Wan Yanhai commented on China's AIDS policy, he emphasised that while the government provided funding to build infrastructure and public education, the frontline work of educating high-risk groups about HIV/AIDS is left to NGOs.⁹⁷

Hu Jia and Zeng Jinyan

Hu Jia, a 34-year old HIV/AIDS activist and an Internet essayist in Beijing, spent 214 days under house arrest between July 2006 and February 2007. Earlier, when he was about to attend an NGO meeting in Beijing on 16 February 2006, he was abducted and detained for 41 days. His wife, Zeng Jinyan, a 24-year old prolific Internet

⁹⁴ Maureen Fan, 'AIDS Activist is Detained on Eve of Meeting in China', *Washington Post*, 26 November 2006, p. A16.

⁹⁵ 'China Encourages NGOs Participation in Fight against AIDS', *China AIDS Info*, 22 March 2006; available at <http://www.china-aids.org/english/News/News468.htm> (accessed 22 April 2008).

⁹⁶ Personal interview with a representative of the Beijing Aizhixing Institute of Health Education in Beijing, China in January 2007.

⁹⁷ Tania Branigan, 'China: Quiet Sexual Revolution Forces Beijing to Admit Dangers of AIDS: Meetings and More funds But Patients Seeking Talks with Premier are Detained', *The Guardian*, 18 April 2008.

blogger, was named by *Time* magazine as one of the 100 most influential people in the world. In May 2007 they were barred from leaving the country for a trip to Europe on grounds of being suspected of threatening state security. According to Hu, Chinese officials were worried that the couple would set off opposition to the Olympic Games in Beijing in 2008. Hu and Zeng were prepared to show their audience in Europe a 30-minute documentary about their house arrest.⁹⁸ After posting some articles on the Internet and speaking with foreign journalists in which he urged the International Olympic Committee to put pressure on Beijing to improve the human rights situation in China, Hu has been in custody again since 27 December 2007. He also called on the government to improve the treatment for HIV/AIDS patients in China, likened the Chinese Communist Party to the Mafia in some of his articles and advocated greater autonomy for Tibet. He was finally sent to jail on 3 April 2008 for three and a half Years on charges of ‘incitement to subversion of the state’.⁹⁹ His verdict immediately triggered condemnations from the European Union and the United States. While the EU called on the Chinese government to release Hu, the US Secretary of State Condoleezza Rice commented that the verdict was ‘deeply disturbing’.¹⁰⁰ Amnesty International also declared that Hu’s case showed that the Chinese government

⁹⁸ See Lindsey Hilsum, ‘Those Dangerous Bloggers’, *New Statesman*, 11 June 2007, pp. 20-21; Sami Sillanpää, ‘Enemy of the State’, *Guardian*, 22 May 2007; Joseph Kahn, ‘2 Activists are Under House Arrest and Barred from Leaving China’, *New York Times*, 19 May 2007; Minnie Chan, ‘Aids Activists, Wife Barred from Trip’, *South China Morning Post*, 19 May 2007. For Zeng Jinyuan as one of the TIME 100, see <http://www.time.com/time/specials/2007/time100/0,28757,1595326,00.html> and http://www.time.com/time/specials/2007/time100/article/0,28804,1595326_1615754_1616169,00.html (accessed 23 August, 2007). One of the documentaries about their house arrest is available at <http://rfaunplugged.wordpress.com/2008/04/03/china-hu-jia-sentenced-to-3-12-years/> (accessed 20 April 2008).

⁹⁹ Tania Branigan and Jonathan Watts Beijing, ‘Human Rights: Beijing Court Jails Dissident on Subversion Charges’, *The Guardian*, 4 April 2008; and ‘Beijing Jails Rights Activist for 3.5 years’, *The Australian*, 4 April 2008; Edward Cody, ‘Chinese Rights Advocate Gets 3.5 Year Prison Term’, *The Washington Post*, 3 April 2008.

¹⁰⁰ Ng Tze-wei, ‘Activist Denied Final Chance to Appeal: Lawyer Hu Jia ‘Unavailable’ on Last Day’, *South China Morning Post*, 18 April 2008.

betrayed its commitments to improve its human rights before the 2008 Olympic Games.¹⁰¹

Other AIDS Activists and the Blood-Driven AIDS Epidemic

In 2003, about 25% of those with HIV/AIDS in China were infected through blood transfusions, either through selling or receiving blood and blood products. This blood-driven AIDS epidemic spread in the 1990s through rural China, especially in Henan province. Many of them developed full-blown AIDS and have passed away in the past few years, leaving up to 76 000 children orphans in the country.¹⁰² The Chinese government officially admitted that there was an epidemic among people who sold blood and banned all blood-selling activities in 1995. With the government's confession and some of the HIV positive victims passing away, the infection rate of this category has fallen to 10% in 2007. However, despite the official confession, the government has never made clean the problem to those who contracted HIV through receiving blood products, especially from the government blood banks.¹⁰³ Victims who contracted the virus by receiving blood product in hospitals have tried hard to fight for compensation from hospitals or local governments. However, they have not only fought in vain but were also detained for their protests.

It is still taboo for people to point their fingers at the government blood banks. According to Li Qianji, a clinic worker at the Xingtai Blood Centre in Hebei province in northern China, the Centre illegally bought blood from Shanxi province between

¹⁰¹ Tania Branigan and Jonathan Watts, 'Human Rights: Beijing Court Jails Dissident on Subversion Charges', *The Guardian*, 4 April 2008.

¹⁰² A 39-minute documentary, called 'the Blood of Yingzhou District', about Chinese AIDS orphans whose parents died from the blood-driven AIDS epidemic, was broadcasted in 2007. The film was made by Beijing-based director Ruby Yang and producer Thomas Lennon. It won the Academy Award for the best documentary short film in 2007. 'Documentary about Chinese AIDS Orphans Wins Academy Award', *Kaiser Daily HIV/AIDS Report*, 28 February 2007.

¹⁰³ Tania Branigan, 'China: Quiet Sexual Revolution Forces Beijing to Admit Dangers of Aids: Meetings and more Funds but Patients Seeking Talks with Premier are Detained', *The Guardian*, 18 April 2008.

1995 and 1997. As a result, at least 300 people were infected with HIV by unsanitary blood from the centre.¹⁰⁴ After appearing on a TV programme on 13 August 2004 about the problems with Xingtai's blood supply in which Li revealed the sub-standard practices of blood collection and the sale of tainted blood and plasma to Shanghai, Beijing and Hebei in the 1990s, his monthly salary was dramatically reduced from 1,500 yuan to 2.75 yuan in February 2005. The Centre's director claimed that his salary cut was triggered by pressure from the provincial government.¹⁰⁵

A related case about a blood bank in Xingtai city concerns Zhu Bingjin, an AIDS activist in Jilin province in northeastern China who helped more than 100 victims who were infected with HIV through tainted blood transfusions in hospitals to seek compensation from local governments or hospitals. In March 2006, while he was organising a 'sightseeing trip' to Beijing for those who were infected by an unsanitary blood-buying industry, he was arrested by the police in Jilin. The 23 HIV/AIDS patients from Henan province who wanted to join the 'sightseeing trip' to Beijing were under house arrest for weeks without any explanation from the local government. According to the New York-based Human Rights Watch, they were confined because their scheduled travel to Beijing took place at the same time as the convention of the National People's Congress in early March.¹⁰⁶

In a similar vein, another group of victims from Shahe, a town in Hebei province outside Beijing, have requested compensation from a hospital which allegedly spread the virus through blood transfusions. The local court has repeatedly refused to look at their case. The local government also turns a blind eye to their appeals. After learning that Premier Wen Jiabao was going to visit their province on 5 April 2008, they tried to grasp the opportunity to draw the attention of the Premier and ask for compensation in front of him. However, before Wen arrived there, all 11 petitioners were detained

¹⁰⁴ Kristine Kwok, 'HIV Victims Find Strength in Action', *South China Morning Post*, 28 May 2006.

¹⁰⁵ See Siu-Sin Chan, 'HIV whistle-blower still paying the price', *South China Morning Post*, 28 March, 2005.

¹⁰⁶ 'China Puts 23 HIV/AIDS Patients under House Arrest', *Agence France Presse*, 11 March 2006; Alexa Olesen, 'China's Grass-Roots AIDS Groups, Once Nonexistent, Now fight to Survive', *Associated Press Newswires*, 31 May 2006.

by the police.¹⁰⁷ They never had the chance to meet Wen and tell him their stories. A few days later after Wen left the town, the police released three of them on condition that they agreed to drop their complaint against the government. However, another eight who refused to accept that condition were still under detention.¹⁰⁸

The continual conflicts over the blood-driven AIDS episodes have showed the flaws the government has made in protecting the rights of its AIDS sufferers. Joel Rehnstrom of UNAIDS in Beijing concludes that AIDS activists in China face the biggest problems when they are asserting the patients' rights, seeking compensation, or highlighting the inadequacies of the government's policy.¹⁰⁹ Human Rights Watch also claims that NGOs and AIDS activists in China continue to face detention and harassment by local authorities, especially in Henan province.¹¹⁰ Adam Li, the Director of the AIDS-related Mangrove Support Group in Beijing and an HIV carrier, provided another view on this issue. In explaining why the grass-roots AIDS groups are often harassed by the local governments, he said:

‘It’s not the higher-ups but the county heads and village heads who don’t understand the grass roots. They are wondering: how will this reflect on my political record to have these groups doing their thing? What if they petition the central government? Could I lose my job?’¹¹¹

Richard Holbrooke, president of the Global Business Coalition on HIV/AIDS, used a Chinese idiom to describe the relationship between the central government and the local governments. In dealing with HIV/AIDS, he stated that:

¹⁰⁷ ‘Chinese AIDS Victims Detained, Harassed – lawyers’, *Reuters News*, 14 April 2008.

¹⁰⁸ Henry Sanderson, ‘Activist Says AIDS Protesters Beaten When Trying to Protest in Front of China’s Premier’, *Associated Press Newswires*, 11 April 2008

¹⁰⁹ Alexa Olesen, ‘China’s Grass-Roots AIDS Groups, Once nonexistent, Now Fight to Survive’, *Associated Press Newswires*, 31 May 2006.

¹¹⁰ ‘Restrictions on AIDS Activists in China’, *Human Rights Watch*, Vol. 17, No. 5, June 2005, pp. 17-22.

¹¹¹ Alexa Olesen (2006).

‘The mountains are high and the emperor is far away. But at least the emperor has declared his policy’.¹¹²

Nevertheless, the constraints that AIDS activists in China face are certainly not the exclusive products of local governments’. While the central government shows its willingness to cooperate with a wide array of actors inside China, it refuses to let its domestic NGOs and AIDS activists establish direct links with their counterparts overseas. In addition, to exclude unsolicited external authorities from its domestic policymaking process, China persists in adopting a state-led multilateral approach to HIV/AIDS. Perhaps the words from Nick Young, founder of the *China Development Brief*, shed some light on the concerns of China’s national leaders. After the clampdown on his publication, he commented that ‘you can do anything in China to a certain level. It is only when [you] have influence that you get in trouble’.¹¹³ Therefore, one may conclude that China has gone to great lengths to achieve a standard of good governance but not up to the point that would undermine its sovereignty and domestic supremacy.

Conclusion

With more than 100 years’ intrusion by Western and Japanese powers, China’s sensitivity to national sovereignty has made it remain steadfast in its determination to resist all forms of foreign interference in its domestic affairs. It has long been regarded as one of the ‘staunchest supporters of the Westphalian concept of sovereignty’. Since the end of the 20th century, China has been wavering between the quest for national autonomy and the need to reap the benefit of globalisation. In order to utilise multilateralism instrumentally, China has to relax some of its stringent control over the society. In the case of HIV/AIDS, China is also treading a fine line between the quest for national autonomy and the need to ask for international assistance. On the one hand, the Chinese government openly admits the problems and the challenges of HIV/AIDS and allows the involvement of global civil society in the

¹¹² Matt Pottinger, ‘China Enlists Companies, NGOs in AIDS Fight’, *The Wall Street Journal*, 21 March 2005.

¹¹³ ‘China Bans Influential NGO Newsletter’, *The Guardian*, 11 July 2007.

campaign to combat it. However, it is also at pains to stress the state-led nature of the cooperation programmes and to prevent prominent AIDS activists from any direct engagement with the rest of the world. National sovereignty is still the most sensitive and thorny issue on the Chinese agenda.

Since China acknowledged the problem of HIV/AIDS in 2001, there has been a marked increase in the government's commitment to fighting the disease. Not only did China revise its Law on the Prevention and Control of Infectious Disease, it has also drawn in various actors, including state and non-state actors, to combat the disease. It is also creating a globe-spanning network to increase its capacity in dealing with its health crisis. More significantly, China is now calling on the private sector to join its fight against HIV/AIDS. This is the first time that the Chinese government has called for public-private partnerships in managing its health crisis. Although the government has been doing a lot in combating HIV/AIDS, its response to HIV/AIDS is never free from controversies and problems. The shortcomings become clear when the government deals with AIDS activists and implements national policy at the local levels. Ample evidence shows that activists are still harassed, penalised or kept in quarantine for leaking any classified information about the disease in the localities. It is quite fair to conclude that due to its overriding concern about erosion of sovereign authority, the Chinese government has not been socialised into fully embracing the global norms and rules of handling the transnational pandemic of HIV/AIDS.

Having reviewed the extent by which the Chinese government provides its citizens with the public goods for health, the next chapter will shift the focus to its contribution to global health governance, particularly towards the African countries. As mentioned in previous chapters, great powers play a pivotal role in the provision of global public goods for health both within and beyond their borders. If global governance reflects Western values and interests, as a Third World leader, does China intend to reform the structure, rules and practices of the international community in such a way that they become more favourable to the development of developing countries? With growing power, will China passively comply with the existing global health regime or proactively reform it? What role will China play – a responsible stakeholder or a system-challenger, or a combination of both – in the existing international order in health? These questions will be addressed by investigating

China's no-strings-attached policy towards development and its position on generic drugs in relation to the TRIPS agreement.

Chapter 5 China's Contribution to Global Health Governance: A Study of China's Role in Africa's AIDS Crisis

My idea of a better ordered world is one in which medical discoveries would be free of patents and there would be no profiteering from life or death.

Indira Gandhi, 1982¹

Access to affordable treatment and adequate health services has become one of the single most important differentiating factors between HIV-related survival in rich and poor countries and communities.

Tony Barnett and Alan Whiteside, 2002²

In the previous two chapters I have examined China's compliance or non-compliance with the global health regime at both international and domestic levels. An equally important issue is whether China is proactive in improving the provision of global public goods for health. If China genuinely behaves as a responsible state, particularly as a responsible rising power and a Third World leader, it is obliged to help developing states contain the spread of HIV/AIDS. This chapter will examine what China has contributed to solving the HIV/AIDS crisis in Africa – which is home to 67% of total HIV/AIDS infections globally – and the nature of China's involvement in the continent.

¹ The statement was addressed to the 35th World Health Assembly in Geneva on 6 May 1982. Quoted in Asia Russell, 'Trading Life and Death: AIDS and the Global Economy', in Paul G. Harris and Patricia D. Siplon (eds), *The Global Politics of AIDS* (Boulder: Lynne Rienner Publishers, 2007), p. 225.

² Tony Barnett and Alan Whiteside, *AIDS in the Twenty-First Century: Disease and Globalisation* (Basingstoke: Palgrave Macmillan, 2002), p. 342.

HIV/AIDS has been considered the top health priority and the most serious problem facing sub-Saharan Africa.³ Twenty-two and a half million people were living with HIV/AIDS in the sub-Saharan African region at the end of 2007 (see Figure 5.1 below) and 1.6 million people died of the disease that year.⁴ Many have argued that socio-economic underdevelopment is the major cause of Africa's plight. However, apart from highlighting the continent's ubiquitous poverty and the marginalisation of African countries in the process of globalisation, there are two hotly contested claims among IR scholars and HIV/AIDS activists. They are: first, the crises of this pandemic are not due to unavailability of drugs but rather to the fact that patients are denied access to the drugs; second, the structural adjustment programmes (SAPs) imposed by international financial institutions have aggravated Africa's vulnerability to the HIV/AIDS epidemic.⁵

³ 'New Report from a 47 Country Survey Examines Global Perceptions of Health Problems, Priorities and Donors', *Kaiser Daily HIV/AIDS Report*, 13 December 2007; available at <http://www.kff.org/kaiserpolls/pomr121307nr.cfm> (accessed 16 December 2007).

⁴ *2007 AIDS Epidemic Update* (UNAIDS and WHO, December 2007), available at: http://data.unaids.org/pub/EPISlides/2007/2007_epiupdate_en.pdf (accessed 28 November 2007), p. 7.

⁵ See Tony Barnett and Alan Whiteside, *AIDS in the Twenty-First Century: Disease and Globalisation* (New York: Palgrave Macmillan 2002); Daniel W. Drezner, *All Politics is Global: Explaining International Regulatory Regimes* (Princeton and Oxford: Princeton University Press, 2007), especially chapter 7; Anton A. van Niekerk and Loretta M. Kopelman (eds), *Ethics and AIDS in Africa: The Challenge to Our Thinking* (California: Left Coast Press, 2005); Nana K. Poku, *AIDS in Africa: How the Poor are Dying* (Cambridge: Polity, 2005); and Nana K. Poku, Alan Whiteside and Bjorg Sandkjaer (eds), *AIDS and Governance* (Hampshire: Ashgate, 2007).

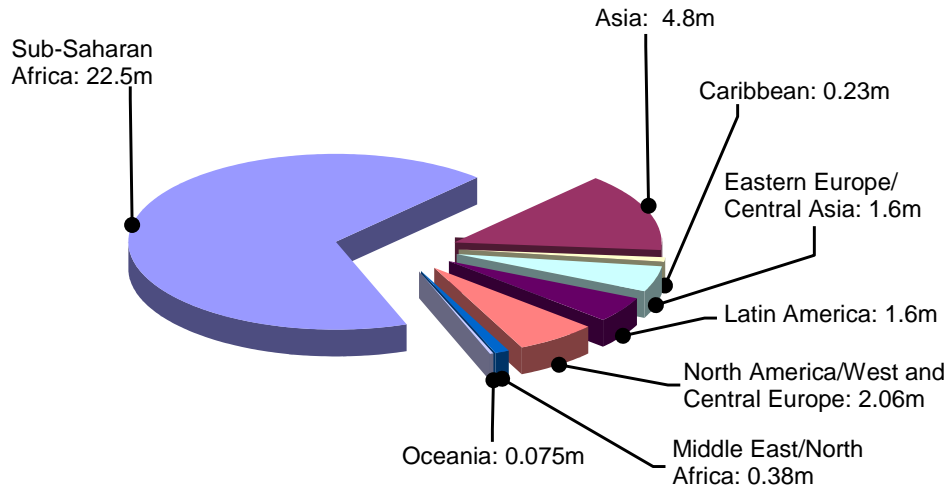


Figure 5.1 People Living with HIV in the World

Source: Data from *2007 AIDS epidemic Update* (UNAIDS and WHO, December 2007), available at: http://data.unaids.org/pub/EPISlides/2007/2007_epiupdate_en.pdf (accessed 30 July 2008), p. 7.

Against the claims that China is ‘a responsible developing great power’ and ‘will protect the benefit of all developing countries’,⁶ what is at issue is how China will act to foster a fairer world order that is more favourable to the development of the Third World. This chapter primarily addresses two questions: First, what is the role of China in its alliance with the Third World with regard to combating HIV/AIDS? Second, if global governance principally reflects Western values and interests, does China, as a Third World leader, intend to reform the structure, rules and practices of the international community in such a way that they become more favourable to the development of developing countries? By investigating China’s position on generic drugs, debt relief, loans and technical assistance in relation to African states, this chapter will explore China’s conceptions of and preferences for the world order.

⁶ Song Hong, ‘Fuzeren di fazhanzhong daguo’ (A responsible developing great state), *Shijie jingji yu zhengzhi* (*World Economics and Politics*), No. 12, 2002, pp. 28-33.

China-African Relations: Bandung Conference and Beyond

During the 1950s and the 1960s, Mao Zedong identified the newly independent African states as a major ally in the Third World in opposing colonialism and imperialism. China and Third World countries began to develop political and economic ties at the Bandung conference held in Indonesia on 18-24 April 1955. This conference marked the beginning of the PRC's strategic engagement with the Third World and the first move of Beijing to form an alliance and assert its political will together with the Third World. It also showed how Chinese diplomacy, led by the then Chinese Premier Zhou Enlai, won friends among developing countries and paved the way for international recognition on the world stage. Among 29 Asian and African countries at the conference, China and North Vietnam were the only two Communist participants. Fifteen of them were anti-Communist states and twelve were neutral countries. Seven months before the Bandung Conference, the US, the United Kingdom, France, Australia, New Zealand, the Philippines, Pakistan and Thailand signed an agreement in Manila to form an anti-communist Southeast Asia Treaty Organisation (SEATO).⁷ During the Bandung conference, Zhou expressed full recognition of the general anti-Communist feeling in the Third World and appeared to be a quiet listener at the beginning of the meeting. In view of the conflicts between anti-Communist and neutral nations, Zhou proficiently mediated between them and urged them to seek the 'common ground' of anticolonialism regardless of their political hue. He announced that China was willing to negotiate with the US over Taiwan. His attitude convinced many of the participants that China was pursuing a friendly and peaceful policy. The conference finally concluded with what Zhou had undoubtedly helped to create the 'Bandung spirit', which means 'peace, goodwill, conciliation, unity of Asian-African nations, and anti-colonialism'.⁸ With this 'Bandung spirit', twenty-two newly independent countries in the Third World,

⁷ Jonathan D. Spence, *The Search for Modern China*, (New York: Norton, 1990), p. 526.

⁸ King C. Chen (ed), *China and the Three Worlds: A Foreign Policy Reader* (New York: M. E. Sharpe, 1979), pp. 15-16.

seventeen of them from Africa, extended diplomatic recognition to the PRC rather than the Chiang Kaishek government in Taiwan between 1958 and 1965.⁹

During the outbreak of the Sino-Soviet dispute, Mao further placed China in the Third World part of the international community. With his 'Three Worlds' theory, Mao wanted to forge a united front with the Third World to combat colonialism, imperialism and hegemonism. Chinese leaders frequently emphasised that China and all Third World countries shared a common history of colonialism and exploitation at the hands of developed countries in the West and Japan.¹⁰ This theory placed the Third World as 'the principal revolutionary force against the two superpowers' as well as 'propelling the wheel of history forward'.¹¹ Mao's 'Three Worlds' theory was in fact in line with his domestic campaign against the hegemony of the superpowers. Domestically the policy failure of the Great Leap Forward (1958-60) pushed Mao to shore up his domestic legitimacy by emphasising anti-hegemony. The rupture with the Soviet Union (USSR) and the following withdrawal of all Soviet economic aid in 1960 forced China to put the Third World at the top of its strategic priorities in order to carve out some international space for itself between the USSR and the US. After conciliation with Washington, Mao fine-tuned the 'Three Worlds' theory to single out the Soviet Union as the 'Number one enemy' and to skilfully transform the US into a potential friend of the country. As stated by a Chinese official publication, '[t]he two hegemonist powers, the Soviet Union and the United States, are the common enemies of the people of the world; the Soviet Union is the most dangerous source of world

⁹ Peter Van Ness, *Revolution and Chinese Foreign Policy: Peking's Support for Wars of National Liberation* (Los Angeles and London: University of California Press 1970), p. 16.

¹⁰ Michael Yahuda, *Towards the End of Isolationism: China's Foreign Policy After Mao* (New York: St. Martin's Press, 1983), pp. 25-34.

¹¹ According to Mao's 'Three Worlds' Theory, the United States and the Soviet Union formed the first world; more developed countries such as Japan, those in Europe and Canada belonged to the second world; and China, Asia (except Japan), Africa and Latin America were members of the third world. Chen (ed), *China and the Three Worlds*, p. 41; and Yahuda, *Towards the End of Isolationism*, p. 234.

war.’¹² In short, Beijing projected itself as a natural ally of Third World countries in the fight against imperialism and hegemony of the superpowers.¹³

Strategically, China was (and is) competing with the Republic of China/Taiwan for diplomatic recognition by African countries. As a consequence, China has provided substantial assistance to African countries since the 1950s. In 1964, Zhou Enlai announced that Beijing’s policy towards sub-Saharan Africa would be based on its ‘Five Principles of Peaceful Coexistence’ and the ‘eight principles of economic aid’.¹⁴ Contrary to Western countries, China’s support to African countries is based on no political conditionality, with the exception of the ‘one China principle’. China claims that economic aid to developing countries should not violate recipients’ sovereignty. China’s aid takes the forms of financial transfers and technical assistance in infrastructure building or of sending medical practitioners and nurses to help establish health care systems in those countries. In return, African countries supported the PRC’s bid to take China’s United Nations seat from Taiwan in 1971.¹⁵ Among the 76 affirmative votes in supporting of China’s UN membership, 26 of them were from African countries. In Mao Zedong’s words, ‘we [China] were brought back into the United Nations by our black African friends.’¹⁶ In light of this, few can dispute the claim that Chinese-African relations have long been a strategic partnership.

In 2000, at China’s initiative, the first Forum on China-Africa Cooperation (FOCAC) was held in Beijing. In his keynote speech, Jiang Zemin, the then Chinese President,

¹² The quote is originally excerpted from Peking (Beijing) Review, No.45, 4 November 1977. See ‘Chairman Mao’s Theory of the Differentiation of the Three Worlds is a Major contribution to Marxism-Leninism’, in Chen (ed), *China and the Three Worlds*, p. 104.

¹³ Chen (ed), *China and the Three Worlds*; and Peter Van Ness, *Revolution and Chinese Foreign Policy: Peking’s Support for Wars of National Liberation* (Los Angeles and London: University of California Press 1970), pp. 12-15.

¹⁴ Among the ‘eight principles’, China emphasized equality and mutual benefit, economic cooperation, respect for recipients’ independence, assistance with no conditions attached, low interest loans, and self-reliance. See Chen (ed), *China and the Three Worlds*, pp. 15-24.

¹⁵ Gerald Chan, ‘Power and Responsibility in China’s International Relations’, in Yongjin Zhang and Greg Austin (eds), *Power and Responsibility in Chinese Foreign Policy* (Canberra: Asia Pacific Press, 2001), p.57; and Frank Ching, ‘Real aid for African friends’, *South China Morning Post*, 13 July, 2005.

¹⁶ Quoted in Li Anshan, ‘Policies and Challenges’, *China Security*, Vol. 3, No. 3, Summer 2007, p. 78.

reiterated that ‘China is the largest developing country in the world and Africa is the continent with the largest number of developing countries...how to strengthen co-operation and promote common development [between China and Africa] will undoubtedly exert a far-reaching important impact on ... the establishment of an equitable and just new international political and economic order.’¹⁷ Obviously Jiang’s view of this new international order won warm support and appreciation from the participants at the forum. Frederick Chiluba, the president of Zambia, agreed with Jiang. He claimed that the world had witnessed too much injustice and irrationality, and that all developing countries should work together to usher in a new world.¹⁸ In April 2005, 105 developing countries gathered at Bandung, Indonesia to revisit the ‘Bandung Spirit’. During the meeting, they named ten issues that would have direct implications for their economic development. The spread of pandemics or infectious diseases was one of them.¹⁹

In the area of public health, China began in the 1960s to send ‘angels in white’ and ‘barefoot doctors’ to the continent to show its goodwill to the African people. Beijing continued this goodwill gesture after embarking on its economic reforms and has already dispatched 16,000 Chinese medical practitioners to a total of 47 countries on the continent since 1963, giving medical treatment to 240 million Africans over the past five decades. At the end of 2006, 900 Chinese medical practitioners were working in 35 African countries. Each year, the Chinese government donates medical treatment worth US\$1.85 million to African countries.²⁰ In spite of its problematic health system at home, the Chinese government reiterated in its *China’s African Policy*, published in early 2006, its commitment to improving Africa’s public health service. Besides continuously sending medical practitioners and medical materials to

¹⁷ ‘Full Text of President Jiang’s Speech at Forum (1)’, *Xinhua News Agency*, 10 October 2000.

¹⁸ ‘Chiluba – To Create A Just and Rational New World’, *Xinhua News Agency*, 12 October 2000.

¹⁹ Chandran Nair, ‘Whose priorities come first?’ *South China Morning Post*, 4 May 2004.

²⁰ ‘China, Africa vow closer Cooperation in Fighting HIV/AIDS’, *China Daily*, 5 November 2006; and Scott Zhou, ‘China as Africa’s ‘angel in white’’, *Asia Times Online*, 3 November 2006; available at http://www.atimes.com/atimes/China_Business/HK03Cb04.html (accessed 7 November 2007); and ‘Chinese Medical Teams in Africa’, *China Daily*, 10 May 2006.

African countries, it also promises to cooperate with them in the prevention and treatment of infectious diseases, particularly HIV/AIDS and malaria.²¹

In his visit to the continent in June 2006, Chinese Premier Wen Jiabao asserted that China would promote sustainable development and help African countries tackle their burning social problems.²² In November 2006, the Third Conference on the FOCAC was held in Beijing. In an action plan endorsed by the Chinese and 48 African governments at the conference, they vowed to strengthen their exchanges and cooperation in fighting HIV/AIDS and other infectious diseases on the continent. The Chinese government also promised to continue their supply of medicine and medical workers to African countries and to help them establish and improve medical facilities. For example, on top of training 15,000 African health professionals, the Chinese are committed to building 30 hospitals for the prevention and treatment of malaria between 2007 and 2009.²³ This conference reassured the new Sino-African Strategic Partnership and deepened their cooperation in public health.

Both the British government and the Centre for Strategic and International Studies have stressed the importance of providing sustainable development and global public goods in earning soft power on the international stage.²⁴ Compared to the America's

²¹ Ministry of Foreign Affairs of the PRC, *China's African Policy* (Ministry of Foreign Affairs of the PRC, January 2006); available at <http://www.fmprc.gov.cn/eng/zxxx/t230615.htm> (accessed 10 November 2007); 'Guochan Aiziyao Chukou Nanfei' (Chinese-made AIDS drug exports to South Africa), *Ta Kung Pao (Hong Kong)*, 1 June 2005; and 'Chinese Scientists Take Malaria Fight to Africa', *Reuters AlertNet*, 18 January 2007; available at <http://www.alertnet.org/thenews/newsdesk/B155919.htm> (accessed 11 January 2008).

²² Gavin Stamp, 'China defends its African relations', *BBC News*, 26 June 2006.

²³ Declaration of the Beijing Summit of the Forum on China-Africa Cooperation, 16 November 2006; available at <http://www.focac.org/eng/zyzl/hywj/t280370.htm> (accessed 13 November 2007); 'China, Africa Vow Closer Cooperation in Fighting HIV/AIDS', *China Daily*, 5 November 2006; and 'Medical Aid to Africa Focuses on Malaria', *China Daily*, 1 February 2007.

²⁴ For example, in a report entitled *Eliminating World Poverty: Making Governance Work for the Poor*, the Department for International Development of the United Kingdom maintains that sustained growth is essential for poverty reduction. The report is available at <http://www.dfid.gov.uk/wp2006/> (accessed 14 November 2007). Besides, the Center for Strategic and International Studies (CSIS) in the US also argues that investing in global public goods, which 'provid[es] things people and governments in all

waning reputation and influence in the world, China is now wielding enhanced soft power by providing development assistance and global public goods for health to its African counterparts.²⁵ As mentioned in Chapter 2, global governance is shaped and maintained by the existing unequal power structure and relationships. Using their unrivalled power as the largest donor to the UN and its agencies, the US and other developed countries bring all major international institutions, such as the Bretton Wood System, into line with their values and interests. While both China and African countries share the feeling that the norms and rules embedded in international institutions mostly favour the liberal democracies, especially the US, one may wonder whether China would ally itself with Third World countries to reform them. More importantly, would the claims that it will protect the interests of all developing countries induce China to confront US interests on the thorny issue of producing and selling less expensive generic drugs to developing countries?

Beijing's No-Strings-Attached Policy: A New Paradigm for Development?

Although no empirical study shows that poverty is directly due to poor education and limited health financial resources, one can maintain on the basis of the facts that 95% of the global HIV/AIDS population is located in developing countries and two-thirds of the 33.2 million HIV infected individuals is living in sub-Saharan Africa that the interrelationship between poverty and vulnerability to HIV/AIDS is undeniable.

quarters of the world want but cannot attain', is the right way for the US to become a smarter power. See Richard L. Armitage and Joseph S. Nye, Jr., *CSIS Commission on Smart Power: A Smarter, More Secure America* (Center for Strategic & International Studies, 2007), available at http://www.csis.org/media/csis/pubs/071106_csissmartpowerreport.pdf (accessed 14 November 2007).

²⁵ According the Pew Global Attitudes surveys, since 2002 there has been a substantial decline in worldwide opinion in favour the United States. See Pew Research Center, *The Pew Global Attitudes Survey*, 'What the World Thinks in 2002', December 2002; available at <http://pewglobal.org/reports/pdf/165.pdf> (accessed 14 November 2007); and Pew Research Center, *The Pew Global Attitudes Survey*, 'Global Unease with Major World Powers: 47-Nation Pew Global Attitudes Survey', June 2007; available at <http://pewglobal.org/reports/pdf/256.pdf> (accessed 14 November 2007). In order to arrest America's unsavoury reputation, Richard Armitage and Joseph Nye make use of a new notion of 'smart power', a combination of hard and soft power, to suggest that public health be one of the areas for the US to enhance its engagement with the global community. See Richard L. Armitage and Joseph S. Nye, Jr. (2007), p. 37.

Abject poverty is the main driving force of Africa's HIV crisis, which in turn undermines the continent's already fragile development capacity. In the face of Africa's galloping external debt crisis in the 1980s, the World Bank introduced the Structural Adjustment Programmes (SAPs) to developing nations, requiring them to make a transition to the market economy to resolve the crisis. However, despite many years of market-oriented reforms, the sub-Saharan continent was still engulfed in the debt crisis and grinding poverty. As a result of a detailed study of the backwardness of the continent, the Bank concluded that the countries suffered from a lack of good governance. Since then, the notions of good governance and 'political conditionality' have gained widespread currency and become the new orthodoxy in the development community in considering offers of financial aid and loans by international financial institutions.

The SAPs and the imposition of good governance on developing countries seeking financial assistance have been strongly criticised for plunging the African continent into an endless indebtedness. In order to satisfy the IMF and World Bank's conditionalities for freeing up money for debt payments, African governments have had to cut their government expenditure partly by reducing health and educational services or by introducing a user-fee policy. As a result, many medical practitioners lost their jobs and migrated to other countries. For example, after the SAPs were introduced in the early 1990s, the number of doctors fell by half in Ghana; the number of nurses fell sixfold in Senegal; and 13,000 medical practitioners fled from Zimbabwe for Australia, Britain or South Africa.²⁶ The brain drain may be caused by various reasons, but one cannot deny that the crisis deepens as a result of the SAPs and the imposition of good governance. In a three-day international conference on health worker shortages vis-à-vis the increasing burden of communicable diseases, Fritz Lherisson, a UNAIDS delegate, pointed out that 57 countries worldwide were facing critical shortages of health care workers and among them, 36 were on the African continent.²⁷ The collapse of health services has placed extra pressure on the

²⁶ Tony Barnett and Alan Whiteside (2002), p. 156.

²⁷ 'Consultation on Health Worker Shortages Opens in Addis', *Afriquenligne*, 8 January 2008; available at <http://www.afriquenligne.fr/news/daily-news/consultation-on-health-worker-shortages-opens-in-addis-2008010814629/> (accessed 11 January 2008).

ailing health system in the continent. Nana Poku, professor of African Studies at the University of Bradford, United Kingdom, bluntly argues that the SAPs promoted by international financial institutions have further aggravated the spread of HIV/AIDS in Africa. The direct and indirect implications of it for economic development and health services constitute 'part of the problem rather than part of the solution' of Africa's vulnerability to the HIV/AIDS epidemic.²⁸ Therefore, SAPs and the precondition of good governance, at least from the eyes of the countries faced with a mounting burden of debt, serve as an iron fist in a velvet glove. They do little in attenuating the debt crisis but intensify the health crisis of the continent.

China declared officially in the white paper of its policy towards Africa that it would provide financial assistance to African countries with neither political strings attached nor interference in the internal affairs of the host countries.²⁹ Obviously Beijing does not follow the liberal international order on its lending conditions. Accordingly China contributed US\$1.8 billion to African countries as development aid in 2002. During his eight-nation African tour in early 2007, President Hu Jintao pledged to double the aid to Africa by 2009, including US\$3 billion in loans and US\$2 billion in credits.³⁰ Nevertheless, the country does not always release its promised amount of aid to the continent, thus making a precise calculation of its contribution to Africa difficult.³¹ It is hard to judge how much China has actually donated to the continent. A study by an economist at the IMF reckons that China had provided Africa with a total of US\$19 billion of loans and credits up to the end of 2006.³²

China's strategy is not to align with the West in imposing any political conditionality of good governance on its commercial deals and financial assistance to less developed

²⁸ Nana K. Poku, *AIDS in Africa: How the Poor are Dying* (Cambridge: Polity Press, 2005), pp. 36-43.

²⁹ Ministry of Foreign Affairs of the PRC, *China's African Policy* (Ministry of Foreign Affairs of the PRC, January 2006); available at <http://www.fmprc.gov.cn/eng/zxxx/t230615.htm> (accessed 10 November 2007).

³⁰ 'Africa tour highlights relations', *China Daily*, 12 February 2007.

³¹ Joshua Eisenman and Joshua Kurlantzick, 'China's Africa Strategy', *Current History*, May 2006, pp.219-224.

³² William Wallis and Geoff Dyer, 'Financing: Lending Rattles the Traditional Donors', *Financial Times*, 23 January 2008.

countries, particularly the African countries which have allegedly notorious human-rights records. Given that Beijing's no-strings-attached policy is incompatible with the principle of good governance promoted by international financial institutions, one may wonder whether China would redraw the contours of a new world order by defying the liberal economic values on its path to development.

Apart from financial aid, another sign of its commitment to the continent is China's debt relief programme. China offers debt cancellation to most African countries. Debt relief has been part of Beijing's diplomatic strategy to win the hearts of African countries. In Africa, external debt has for a long time been a heavy burden, especially after the HIV/AIDS pandemic started two decades ago. Many African countries have to spend up to 30% of their revenue repaying debt. In order to show its commitment to the continent, China has taken a significant step towards cancelling the debt owed by African countries since the beginning of 21st century. In 2000, Beijing announced in the Forum on China-Africa Cooperation that it would write off US\$1.2 billion in debt that 31 African countries owed China.³³ In the second Ministerial Conference of the Forum on China-Africa Cooperation held in Ethiopia in December 2003, a two-year Action Plan (2004-2006) was signed and according to which another US\$750 million in debt was waived. At the Third China-Africa Cooperation Forum in November 2006 in Beijing, China once again pledged to cancel loans of US\$1.3 billion to African countries which were due by the end of 2005.³⁴ Its position on debt relief for African nations was reaffirmed in its white paper on China's Africa policy in 2006. Beijing declared that it was not only ready to continue to seek a solution to the debts African countries owed China, but would urge developed countries to take more substantial action on the issue.³⁵ A forgiveness of debt agreement with 11 African countries worth about US\$1.3 billion is said to be under way.³⁶ Moreover, China

³³ 'African Ministers Welcome China's Debt-Relief Move', *BBC*, 12 October 2000; and 'Africa Welcomes China's Debt-Relief Move', *Xinhua News Agency*, 11 October 2000.

³⁴ He Wenping, China's Loans to Africa Won't Cause Debt Crisis, *China Daily*, 6 June 2007.

³⁵ Ministry of Foreign Affairs of the PRC, *China's African Policy*.

³⁶ Greg Mills and Chris Thompson, 'Partners or Predators? China in Africa', *China Brief*, Vol. 8, No. 2, 17 January 2008; and Jian-Ye Wang, 'What Drives China's Growing Role in Africa?', *IMF Working Paper*, October 2007, available at <http://www.imf.org/external/pubs/ft/wp/2007/wp07211.pdf> (accessed 26 January 2008).

would also cooperate with African countries in infrastructure construction as well as prevention and treatment of infectious diseases, especially HIV/AIDS, malaria and tuberculosis.³⁷

The total foreign debt burden of African countries amounted to US\$218 billion in 2004 and grew to US\$303.6 billion in 2006.³⁸ If one compares China's debt relief with the total debt burden the continent owes the international financial institutions and other countries, one will find that China's debt relief is miniscule and might wonder, compared to Washington, how significant Beijing's aid and debt relief is to Africa. In the US President's Emergency Plan for AIDS Relief – in short, PEPFAR – announced by the George W. Bush Administration, Washington has committed much more money than any country to curbing the HIV/AIDS epidemic (US\$15 billion in 2003 and most likely another US\$30 billion in 2008). Much of the PEPFAR is allocated to Africa.³⁹ According to the *New York Times*, Bush's PEPFAR could be 'the most lasting bipartisan accomplishment of the Bush presidency'.⁴⁰ However,

³⁷ "China to strengthen cooperation with Africa on NEPAD priorities", *Xinhua News Agency*, 16 December 2003.

³⁸ Gumisai Mutume, 'Industrial Countries Write off Africa's Debt', *Africa Renewal*, Vol. 19, No. 3, 2005, available at <http://www.un.org/ecosocdev/geninfo/afrec/vol19no3/193cancel-debt.html> (accessed 16 January 2008); Nana K. Poku, Neil Renwick and Joao Gomes Porto, 'Human Security and Development in Africa', *International Affairs*, Vol. 83, No. 6, 2007, p. 1167.

³⁹ On top of the money committed to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Bush Administration pledged US\$15 billion over five years for HIV/AIDS prevention, treatment and care in 15 countries in 2003. Twelve of them are African countries. Again in late 2007, Bush requested the Congress to double the financial aid to combat HIV/AIDS. His request was welcome by both Republican and Democratic senators. It is anticipated that the US will commit another US\$30 billion in fighting the HIV/AIDS over the next five years (2008-2012). Rose Garden, 'President Bush Announces Five-Year, \$30 Billion HIV/AIDS Plan', The White House; available at <http://www.whitehouse.gov/news/releases/2007/05/20070530-6.html> (accessed 7 December 2007); and 'Leading the Worldwide Fight Against HIV/AIDS', The White House; available at <http://www.whitehouse.gov/stateoftheunion/2007/initiatives/hiv aids.html> (accessed 7 December 2007).

⁴⁰ Sheryl Gay Stolberg, 'In Global Battle on AIDS, Bush Creates Legacy', *New York Times*, 5 January 2008. In February 2008, President Bush and the first lady, Laura Bush, visited five countries in Africa, namely, Tanzania, Benin, Ghana, Rwanda and Liberia. They brought with them a generous aid package. For example, a total of US\$662 million would be given to Tanzania for upgrading electricity, water supply and roads in the country in 2008 and another US\$698 million more over the next five

China's influence on the continent is increasing at a much more rapid pace than America's. According to the Pew global attitudes survey conducted by the Pew Research Center in 2007, in 10 African countries – namely Ivory Coast, Kenya, Mali, Nigeria, Senegal, Ghana, Tanzania, Uganda, Ethiopia and South Africa – China is almost universally viewed as having a more beneficial impact on them than the US.⁴¹ It is worth noting that those countries do not include China's staunchest allies in the continent, such as the repressive Zimbabwe and Sudan. Even with its lucrative financial aid in fighting HIV/AIDS, the Bush Administration cannot win widespread approval by African countries; in contrast, with comparatively less financial help, China's influence on the continent is growing rapidly.

Similar to Joseph Nye's soft power, the Chinese perceive that the most powerful way to woo African countries and attract them towards Beijing without coercion is the so-called 'gongxin shu' – *gongcheng weixia, gongxin weishang* (攻心术: 攻城为下, 攻心为上), literally meaning the best stratagem is to win the hearts and minds than to attack towns and cities. This was first developed by Sun Tzu (544 – 496 BC) in his *The Art of War*. Sun Tzu argues that it is the acme of skill to subdue the enemy without fighting– *buzhan er qu ren zhi bing; shan zhi shan zhe ye* (不战而屈人之兵, 善之善者也).⁴² By offering aid without preconditions and treating all African countries equal and in a less hectoring way, China wants to win friends and wield normative power among developing countries.⁴³ There are two ways for China to pursue its 'gongxin shu'.

years. Bush's trip to Africa was regarded as a diplomatic shift against China's influence in the continent. See Howard W. French, 'True Friend of Africa? Bush Stakes his Case Letter from China', *International Herald Tribune*, 22 February 2008.

⁴¹ *The Pew Global Attitudes Project*, 'Global Unease with Major World Powers: 47-Nation Pew Global Attitudes Survey', (Washington D.C.: The Pew Research Centre for the People & the Press, June 2007); available at <http://pewglobal.org/reports/pdf/256.pdf> (accessed 9 November 2007).

⁴² Sun Wu, *Suntzu bingfa, sanshiliu ji (The Art of War, 36 Stratagems)* (Beijing: Jing Hua chubanshe, 2002), 5th Edition, p. 36.

⁴³ In a paper on China and its aid to Africa delivered to a China Policy Group Meeting at Griffith Asia Institute, Griffith University in Brisbane in July 2007, Michael Wesley used a sociological concept of 'gift giving' to examine China's influence in the continent. While I agree that material 'gift giving' is useful and may exert normative influence on the recipients, the more important element of the strategy

First, by offering aid without preconditions, China's no-strings-attached policy is welcomed by all African political elites. In defending its 'no-strings-attached' financial aid policy, Beijing reiterates that the Westphalian principles of national sovereignty and non-intervention in the internal affairs of other states should be upheld. Hence, its aid and loans to the African continent come with no conditions attached. Countries do not have to attain them at the sacrifice of their sovereignty as long as they affirm their support for the 'one China' principle.⁴⁴ While many African countries are under immense pressure to liberalise their political and economic systems, China presents them an attractive and promising alternative path to development, although it is often denounced by the West for disregard for human rights and accountability. Furthermore, China's announcement of debt relief, albeit not much in comparison with the total debt amounts, is perceived as 'real aid'.⁴⁵ Comparing the conditions provided by China to those offered by developed countries, there is no doubt that Africa is more willing to go along with Beijing's no-strings-attached policy. Ethiopian Prime Minister Meles Zenawi asserted that '[t]his exemplary endeavour of the Chinese government to help ease the debt problem of African countries is indeed a true expression of solidarity and commitment to the development of Africa.'⁴⁶ In fact, many African countries believe that China's position on debt relief could potentially enable them to be able to transfer more money into health and education. If we disregard the possible corruption situation in the continent, it is not surprising that China's no-conditionality policy, to a certain extent, can reduce Africa's HIV-led health crisis.

of wooing other states is how to change their thinking about you. At the heart of the concept of 'gongxin shu' is to the ability to attract others by changing their normative thinking without any use of carrots and sticks.

⁴⁴ Denis M. Tull, 'China's Engagement in Africa: Scope, significance and Consequences', *Journal of Modern African Studies*, Vol. 44, No. 3, 2006, pp. 459-479.

⁴⁵ Frank Ching, 'Real Aid for African Friends', *South China Morning Post*, 13 July 2005.

⁴⁶ 'True Partnership, Key to African Sustainable Peace, Development: Ethiopian PM', *People's Daily*, 15 December 2003; available at http://english.peopledaily.com.cn/200312/15/eng20031215_130462.shtml (accessed 10 November 2007).

Second, by treating them as equal, China's influence over African nations is growing sharply and positively. In stark contrast to developed countries, China has disseminated the notion of 'win-win' cooperation or 'prosperity for all'.⁴⁷ It always emphasises the Chinese-African relationship as a strategic partnership, rather than between a donor and recipients. Beijing's rhetoric of unity towards African countries includes that they are all developing countries, the Third World and the South. Politically they are equal at the global stage; economically they are striving for development after brutal exploitation by foreign powers in the last century. These 'commonalities' have generated a broad, tacit consensus that China and Africa belong to 'the same club' – the Third World Club.⁴⁸ This is a powerful way to win friends and build up recognition across Africa by treating them as equal partners and allies for development. In April 2006, Nigerian President Olusegun Obasanjo told the visiting Chinese President Hu Jintao that 'from our assessment this is the century of China to lead the world ... and when you're leading the world we want to be very close behind you.'⁴⁹

In short, while developed countries are pointing their fingers at China on the issue of providing aid and loans to Africa, it seems that China is also at pains to promote a non-liberal concept of global governance to the less developed countries. It is unsure whether China's health contributions to the African countries are solely because of its willingness to provide global public goods to the continent. A more immediate goal perhaps is to gain the support of less developed countries and hence to consolidate enough power to guard against the liberal international order and to promote a non-liberal political system in the international community simultaneously. In other words, its 'hands-off politics' approach helps the CCP confirm the legitimacy of its rule. A gain in normative power in the world serves to defuse internal demands for political

⁴⁷ See the full text of the speech by Hu Jintao at the Opening Ceremony of the Beijing Summit of the Forum of China-Africa Cooperation. Hu emphasizes the 'South-South Cooperation' and 'prosperity for all'; the speech is available at http://english.focacsummit.org/2006-11/04/content_4978.htm (accessed 27 January 2008).

⁴⁸ Philip Snow, 'China and Africa: Consensus and Camouflage', in Thomas W. Robinson and David Shambaugh (eds), *Chinese Foreign Policy: Theory and Practice* (Oxford: Clarendon Press, 1994), p. 285.

⁴⁹ 'Hu Pushes for African Partnership', *South China Morning Post*, 28 April 2006.

liberalisation. The onset of economic reforms brings about demands for a liberal political system and democratic means to resolve collective problems. With more developing countries embracing China's non-liberal authoritarian political system, the more legitimate the Chinese Communist Party and China's road to modernisation is in the eyes of local Chinese.

China as a Challenger to or a Defender of the Liberal International Order?

In the realm of public health, for a long time, there has been a fierce debate between developed and developing countries about the conflicting values between human rights and intellectual property rights. Should HIV/AIDS drugs be protected by patents? Do the poor have the right to gain access to essential life-sustaining drugs? More importantly, if global governance does reflect the interests of developed countries, as a Third World leader and 'a responsible developing power', does China intend to reform the structure, rules and practices of the international community in such a way that they become more favourable to the development of developing countries?

According to the 2007 UNAIDS report, there were 33.2 million people worldwide living with HIV/AIDS and 22.5 million of them were living in Sub-Sahara Africa. Among them, just more than two million of them received life-prolonging antiretroviral drugs up to the end of 2007.⁵⁰ In other words, more than 90% of the patients have yet to gain access to life-prolonging antiretrovirals. More seriously, the rate of progress in expanding access to the ARV drugs is far slower than the expansion of the epidemic itself. A UN Secretary-General's report, presented at the opening session of the General Assembly's high-level meeting on HIV/AIDS on 10 June 2008, cogently states that in the year 2007 'the number of new HIV infections

⁵⁰ *Declaration of Commitment on HIV/AIDS and Political Declaration on HIV/AIDS: Midway to the Millennium Development Goals* (United Nations General Assembly document A/62/780, June 2008), p. 16; available at http://data.unaids.org/pub/Report/2008/20080429_sg_progress_report_en.pdf (accessed 17 June 2008); and 'Press Conference on Secretary-General's Report on Global AIDS Response', 9 June 2008; available at http://www.un.org/News/briefings/docs/2008/080609_UNAIDS.doc.htm (accessed 17 June 2008).

was 2.5 times higher than the increase in the number of people receiving antiretrovirals'.⁵¹

With 2.1 million deaths caused by HIV/AIDS worldwide in 2007 and 76% of them in Africa, it has been argued that the crisis is not primarily due to a lack of medicine but because patients are denied access to affordable drugs due to their high prices.⁵² As a result of the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organisation, the prices of HIV/AIDS drugs far exceed the average income of most Third World HIV/AIDS victims. It has been estimated that in order for all HIV/AIDS sufferers worldwide to have access to ARV drugs, their prices have to be reduced by as much as 95%.⁵³ The prime targets for critics are pharmaceutical companies and the liberal international economic order. For many years, pharmaceutical companies have worked very closely with developed countries, notably the governments of the US and the European Union, to strengthen the global standards of intellectual property rights. The decisions made by the governing board of the World Bank AIDS Trust Fund and UNAIDS are said to usually favour and protect pharmaceutical companies' interests.⁵⁴

Globalisation is inevitably a two-edged sword. An outcome of it is that the liberal economic order prevails. Under this liberal economic order, 'business enterprises are taller and richer... and have rights that we [the ordinary people] do not have.'⁵⁵

⁵¹ *Declaration of Commitment on HIV/AIDS and Political Declaration on HIV/AIDS: Midway to the Millennium Development Goals* (United Nations General Assembly document A/62/780, June 2008), p. 1; available at http://data.unaids.org/pub/Report/2008/20080429_sg_progress_report_en.pdf (accessed 17 June 2008).

⁵² All data are from *2007 AIDS Epidemic Update* (UNAIDS and WHO, December 2007), available at: http://data.unaids.org/pub/EPISlides/2007/2007_epiupdate_en.pdf (accessed 9 December 2007).

⁵³ Caroline Thomas, 'Trade Policy, the Politics of Access to Drugs and Global Governance for Health', in Kelley Lee (ed), *Health Impacts of Globalisation: Towards Global Governance* (Basingstoke: Palgrave Macmillan, 2003), p. 180.

⁵⁴ With a contribution of US\$5 million, drug companies would be able to get a seat on the governing board of the World Bank AIDS Trust Fund. Kofi Annan proposed a similar system for the governing board of the UNAIDS. See Nana K. Polu (2002), pp. 121-124.

⁵⁵ Michael P. Ryan, *Knowledge Diplomacy: Global Competition and the Politics of Intellectual Property* (Washington, DC: Brookings Institution Press, 1998), p. 9.

Making claims about the need to encourage innovation, the pharmaceutical industry acquires the right to a 20-year monopoly on its inventions under the TRIPS. No one can register a generic product without the patent holder's agreement during the life of the patent.⁵⁶ TRIPS is strongly criticised for being an 'extension of the US standard of patent law' binding on all WTO members.⁵⁷ As a result, the prices of HIV/AIDS drugs far exceed the average income of most Third World HIV/AIDS victims. This 'US-style patent law' is bitterly condemned by medical practitioners, global civil society and developing countries.

While more than half of the population in the poorest parts of Africa and Asia cannot afford to buy existing essential medicines, the debate between public health and intellectual property rights becomes a 'life versus profit' issue. Should intellectual property rights and pharmaceutical patents matter more than human rights and public health rights? Nana Poku argues that with patent laws as their weapons, pharmaceutical companies have been 'putting profits before lives.'⁵⁸ A WHO Commission on Intellectual Property Rights' report also points a finger at the pharmaceutical industry by saying that:

'[I]nnovation was pointless in the absence of favourable conditions for poor people in developing countries to access existing, as well as new, products.

⁵⁶ TRIPS was concluded at the Uruguay Round of trade negotiations of WTO in 1995. According to Mark Heywood, the inclusion of discussion on intellectual property rights in the Uruguay Round was primarily at the instigation of two US firms, Pfizer (a pharmaceutical giant) and IBM. Pfizer was so 'far-sighted' that it perceived that due to globalisation, some diseases would rapidly spread globally. Thus, Heywood asserts that intellectual property law has been extended worldwide since the mid-1990s by design rather than by evolution or accident. See Mark Heywood, "Drug Access, Patents and Global Health: 'Chaffed and Waxed Sufficient'", in Nana K. Poku and Alan Whiteside (eds), *Global Health and Governance: HIV/AIDS* (Basingstoke: Palgrave Macmillan, 2004), pp. 34-35. Prior to the TRIPS Agreement, the duration of patents were normally 15 to 17 years but for some developing countries, such as India, patents were granted for only 5 to 7 years. See WHO (2005). *Intellectual Property Protection: Impact on Public Health. WHO Drug Information*, Vol. 19, No. 3, pp. 236-241.

⁵⁷ Mark Heywood (2004), p. 34.

⁵⁸ Nana K. Poku, 'Global Pandemics: HIV/AIDS', in David Held and Anthony McGrew (eds), *Governing Globalisation: Power, Authority and Global Governance* (Cambridge: Polity Press, 2002), p. 124.

The price of medicines is an important factor in determining access ... R & D has not yet produced the results hoped for, or even expected, for the people of developing countries. Intellectual property rights are important, but as a means not an end'.⁵⁹

The leading proponents of patent protections on pharmaceuticals are pharmaceutical companies backed up by the largest trading powers, mainly the US and the European Union, because they stand to gain from the globalisation of infectious diseases. Their economic and political might forms an enormous barrier to relaxing the stringent intellectual property rights regulations. However, the terrorist attacks on the US in 2001 opened up an opportunity to change. In the wake of the September 11 terrorist attacks and the following anthrax attacks, the US felt the need to stockpile the anti-anthrax drug Ciprofloxacin (Cipro), which was produced by Bayer, a German drug maker. In order to force negotiations with Bayer over price, the Bush administration threatened to breach the patent of Cipro and to issue a compulsory licence to manufacture a generic version unless the company agreed to sell the drug at half price to the American government.⁶⁰ While the US has steadfastly prevented developing states from issuing compulsory licenses to manufacture affordable generic versions of HIV/AIDS drugs, it showed a double standard on intellectual property rights in the case of Cipro. Michael Bailey from Oxfam harshly accused the American government of taking a hypocritical stance: 'to take measures at home to protect public health when preventing the developing world from doing the same.'⁶¹

Before the Doha Meeting the dispute over the provision of generic drugs was first raised by a group of NGOs and specialists. Médecins Sans Frontières (MSF) and

⁵⁹ World Health Organization, *Public Health, Innovation and Intellectual Property Rights: Report of the Commission on Intellectual Property Rights, Innovation and Public Health* (Switzerland, 2006), pp. ix-x; available at <http://www.who.int/intellectualproperty/documents/thereport/ENPublicHealthReport.pdf> (accessed 15 December 2007).

⁶⁰ Edmund L. Andrews, 'Bayer is a bit taken aback by the frenzy to get its drug', *New York Times*, 26 October 2001; and Yelena Kostyuk, 'Bioterror prompts breach the patent laws', *Moscow News*, 31 October 2001.

⁶¹ Richard Butler, "US takes a 'hypocritical' stance on Cipro", *Chemistry and Industry*, 5 November 2001.

others organised a conference entitled ‘Increasing Access to Essential Drugs in a Globalised Economy: Working towards Solution’ in May 1999. They issued a joint statement to WTO officials, known as the ‘Amsterdam Statement’, at the end of the conference. One year later, a joint initiative, the Accelerating Access Initiative (AAI), was set up by a couple of UN organs and five big pharmaceutical firms in order to provide less developed countries with lower-priced medicines.⁶² Shortly after the US announcement of its plans to impose compulsory licensing on Cirpo, the Fourth WTO ministerial meeting was held in Doha, Qatar in November 2001. Together with INGOs, Zimbabwe and other developing countries utilised the case of Cipro to secure a formal affirmation by all WTO members to prioritise public health and access to medicines. WTO members collectively endorsed the Doha Declaration on the TRIPS Agreement and Public Health (Doha Declaration) and granted poor countries flexibility in implementing intellectual property rights provisions.⁶³ This has been deemed as a political victory by the global civil society and developing countries for the poor seeking access to medicines. According to the Doha Declaration, developing countries can override drug patents by issuing ‘compulsory licences’ to manufacture or import cheaper copycat versions, if they can justify that there is a national health emergency.⁶⁴ A shift in US preferences in the Doha meeting can be accounted for by its concerns over heavy reputational damage and the growing consensus after the anthrax attacks that infectious diseases are a transnational security threat to the US.⁶⁵

However, an unresolved issue from the Doha Declaration is the applicability of the provision on compulsory licensing. Under Article 31(f), generic drugs produced under

⁶² Hakan Seckinelgin, *International Politics of HIV/AIDS: Global Disease-Local Pain* (London and New York: Routledge, 2008), pp. 28-29.

⁶³ Susan K. Sell, ‘International Institutions, Intellectual Property, and the HIV/AIDS Pandemic’, in Robert L. Ostergard, Jr. (ed), *HIV/AIDS and the Threat to National and International Security* (New York: Palgrave Macmillan, 2007), pp. 148-170; and Asia Russell, ‘Trading Life and Death: AIDS and the Global Economy’, in Paul G. Harris and Patricia D. Siplon (eds), *The Global Politics of AIDS* (Boulder: Lynne Rienner Publishers, 2007), pp. 225-245.

⁶⁴ Amy Kazmin, Andrew Jack and Alan Beattie, ‘How Washington uses trade deals to protect drugs’, *Financial Times*, 21 August 2006, Internet edition.

⁶⁵ Daniel W. Drezner, *All Politics is Global: Explaining International Regulatory Regimes* (Princeton and Oxford: Princeton University Press, 2007), pp.184-185.

a compulsory licence 'shall be authorized predominantly for the supply of the domestic market of the Member authorizing such use'. This has created a serious practical implication for those countries that lack domestic pharmaceutical industries. There are only about a dozen developing countries, including China, India and Brazil, that have the capacity to produce significant quantities of off-patent generic drugs. Most developing countries do not have a sufficient manufacturing capacity. Under this circumstance, the compulsory licensing provisions of the TRIPS Agreement would be of little help to them.⁶⁶ In fact, paragraph 6 of the Doha Declaration takes note of this problem. It explicitly states that 'we recognize that WTO members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. We instruct the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002'.⁶⁷

On the one hand, the US made a compromise during the Doha meeting; on the other, it is at pains to ensure that the practice of intellectual property rights in the application of the Doha regime will revert to its former preferences.⁶⁸ The negotiations in finding a solution to the problem of access to essential medicines reached an impasse because of the US concerns about the scope of disease coverage. The US Trade Representative insisted that TRIPS flexibility should only be applicable to HIV/AIDS, tuberculosis, and malaria, and the words 'other epidemics' in the text of the Doha Declaration should be removed as it went beyond the focus of HIV/AIDS, tuberculosis and malaria. Because of the US insistence, the Council could not reach an agreement by the designated deadline. In 2003, the US shifted its focus from disease coverage to the limitations on the eligibility of countries to benefit from the TRIPS flexibility. Together with the European Union, the US proposed that only least-developed

⁶⁶ Duncan Matthews, 'WTO Decision on Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health: a Solution to the Access to Essential Medicines Problem?', *Journal of International Economic Law*, Vol. 7, No. 1, 2004, pp. 73-107.

⁶⁷ 'Declaration on the TRIPS Agreement and Public Health', *Doha WTO Ministerial 2001*; available at http://www.wto.org/English/thewto_e/minist_e/min01_e/mindecl_trips_e.htm (accessed 13 January 2008).

⁶⁸ Frederick M. Abbott, 'The WTO Medicines Decision: World Pharmaceutical Trade and the Protection of Public Health', *The American Journal of International Law*, Vol. 99, No. 2, 2005, p.318.

countries as well as those that have been classified as low-income developing countries by the World Bank are entitled to the exemption. This proposal was severely criticised by such developing countries as India, Brazil, China, South Africa, Kenya, Egypt, and Thailand, because it would prevent any higher-income developing countries from benefiting from the new rules. They argued that all WTO members should be allowed to judge for themselves whether they have met the criteria.⁶⁹ Owing to the high prices and the patent problems, Uganda has recently formed a joint venture with the Indian pharmaceutical firm Cipla to open a drug plant and manufacture its own life-saving medicines in the country. Many African countries, such as Ghana, Tanzania, the Democratic Republic of Congo, and Ethiopia, are also planning to follow.⁷⁰

Nevertheless, a shift on US policy finally ended the deadlock and reached an agreement at the end of August 2003. However, in reviewing the negotiation history of the agreement, Duncan Matthews of Intellectual Property Research Institute at the University of London concludes that ‘the stakes remain high’ as the outcome matched American preferences more than developing countries’.⁷¹ Frederick Abbott, who was under the auspices of the Quaker United Nations Office and provided legal advice to developing countries in TRIPS negotiations, concludes that the developing world and NGOs have ‘substantially increased their negotiating effectiveness in Geneva but have yet to come to grips with the U.S. forum-shifting strategy’.⁷² Since the signing of the Doha Declaration, the US has sought to limit its scope of application with different means under the WTO framework. Beyond the WTO framework, it has also tried to grip its designed intellectual property rights and the patent laws firmly. For example, Washington insists that all countries accepting the US PEPFAR funding in fighting HIV/AIDS have to comply with the TRIPS accord when they purchase drugs.⁷³ More seriously, the Bush administration has recently been trying to undo the Doha Declaration’s flexible patent rights by pushing bilateral and regional Free Trade

⁶⁹ Duncan Matthews (2004), pp. 86-87.

⁷⁰ ‘Uganda Opens First HIV Drug Plant’, *BBC News*, 8 October 2007; Tatum Anderson, ‘Africa Rises to HIV Drug Challenge’, *BBC News*, 8 June 2006.

⁷¹ Duncan Matthews (2004), p. 105.

⁷² Frederick M. Abbott (2005), p.318.

⁷³ Daniel W. Drezner (2007), pp. 198-201.

Agreements (FTAs) with developing countries.⁷⁴ A US Congressional Research Service report also explicitly indicates that the main purpose for the government to pursue bilateral FTAs is to push for stronger protection of intellectual property rights in the world, rather than promoting free trade.⁷⁵

Against this background, it is interesting to understand what the stance of China – a new member of the WTO, a Third World leader and a ‘responsible developing great power’ – is on HIV/AIDS generic drugs and the associated issue of intellectual property rights. With its new-found political and economic clout and the membership of the WTO, has it made an effort to press for a structural reform of intellectual property rights regulations in the WTO?

China’s Position on the 2001 Doha Declaration on TRIPS

China joined the WTO in December 2001, a month after the Doha Declaration on TRIPS was endorsed. According to Rong Min, China’s representative to the WTO, China actively participated in all of the negotiation meetings from the beginning of 2002 to 30 August 2003 that eventually led to the adoption of the Decision on

⁷⁴ Before 2000, the US only had FTAs with Canada, Israel and Mexico. Since 2000 the US have signed FTAs with Australia, Bahrain, Chile, Jordan, Oman, Morocco, Singapore, Peru and six countries in Central America. It is presently negotiating FTAs with Korea, Panama, Thailand, and another five African countries, including South Africa and Botswana. See http://www.bilaterals.org/rubrique.php3?id_rubrique=55 (accessed 30 October 2006).

⁷⁵ Dylan C. Williams, ‘World health: A lethal dose of US politics’, *Asia Times Online*, 17 June 2006. One of the tactics used by the US to push forward applying tough patent rules in the interests of national pharmaceutical manufacturers is the requirement of a five-year ‘data exclusivity’. It prohibits generic drug producers from using the existing clinical trial data, or other scientific information from the original company. Generic drug producers need to retest the safety and efficacy of a medication even though the products the same or very similar to the original one. See Anand Giridharadas, ‘US pushes to limit generic-drug rights in trade pacts’, *International Herald Tribune*, 19 April 2006; and Amy Kazmin, Andrew Jack and Alan Beattie, ‘How Washington uses trade deals to protect drugs’, *Financial Times*, 21 August 2006.

Implementation of Paragraph 6 of the Doha Declaration.⁷⁶ In its first major speech as a WTO member, China declared rhetorically that it would serve as a ‘bridge’ between developed and developing countries.⁷⁷ During the negotiations of post-TRIPS Agreement, China allied with developing countries to propose a revision of Article 31(f) which in effect prevents exports of generic drugs to countries that do not have sufficient manufacturing capacity. In light of the huge difficulty for developing countries, notably least developed countries, to implement and apply the TRIPS Agreement, China suggested that WTO should provide more space for them to formulate their public health policy.⁷⁸ Rong even openly criticises that on the surface the Decision looks like a breakthrough on compulsory licences but in fact, the whole TRIPS Agreement only reflects an imbalance of rights and obligations for developing members; and this imbalance is almost impossible to be corrected in reality.⁷⁹ Other Chinese scholars also charge that developing countries have never received any benefit from the post-TRIPS Agreement.⁸⁰

Domestically, in order to comply with the WTO’s post-TRIPS Agreement, the State Intellectual Property Office of the PRC promulgated ‘The Measure on

⁷⁶ Rong Min, ‘Zhongguo Zhuzhang: Geiyu Fazhanguo Chengyuan Zugou de Zhiding Gonggong Jiankang Zhengce Kongjian’ (China’s Suggestion: Giving Enough Space for Developing Members to Formulate their Public Health Policy), *WTO Jingji Daokan (China WTO Tribune)*, No. 4, 2005; and “Shijie Maoyi Zuzhi Tong Guo ‘Gonggong Jiankang’ Wenti de Zuihou Wenjian” (WTO Endorsed the Final Document on ‘Public Health’ Issues), *WTO Jingji Daokan (China WTO Tribune)*, No. 8, September 2003, p. 49.

⁷⁷ Margaret M. Pearson, ‘China in Geneva: Lessons from China’s Early Years in the World Trade Organization’, in Alastair Iain Johnston and Robert S. Ross (eds), *New Directions in the Study of China’s Foreign Policy* (Stanford: Stanford University Press, 2006), pp. 242-275.

⁷⁸ Rong Min and Guo Hui, ‘WTO Duoha Fazhan Huihe Guanyu «TRIPS Xieding» de Tanpan he Zhongguo de Canyu’ (The Negotiation of the ‘TRIPS Agreement’ on the Development of Doha Round and China’s Participation), *Shijie Maoyi Zhuzhi Dongtai Yu Yanjiu (World Trade Organization Focus)*, No. 11, 2005, pp. 1-6.

⁷⁹ Rong Min (2005), p. 59.

⁸⁰ Zhou Tian Shi, “‘Yindu Zhuanli Baohuan’ Dailai de Qishi: Cong Fazhan Zhong Guojia de shijiao Jiedu TRIPS Xieyi” (Enlightenments from the Indian Patent Protection Case: Discourse of TRIPS from the Perspective of Developing Countries), *Heilongjiang Sheng Zheng Fa Guanli Ganbu Xueyuan Xuebao (Journal of Heilongjiang Administrative Cadre Institute of Politics and Law)*, No. 4, 2006, pp. 69-71.

Implementation of Compulsory License Related to Public Health Rights’ on 29 November 2005 and put it into effect on 1 January 2006.⁸¹ Article 5 indicates that if China does not have sufficient manufacturing capacity to produce drugs for infectious diseases, the State Council can request the State Intellectual Property Office to confer compulsory licensing and allow the country to follow WTO’s TRIPS Agreement to resolve the public health crisis. Chinese scholars argue that this Measure is rather ambiguous and fails to make full use of the flexibility allowed by the TRIPS Agreement to solve the conflict between patent rights and Chinese public health rights.⁸² As Yang Zhongwei of Shanghai University explicitly indicates, a problem of the new regulation on implementation of compulsory license is that it does not define the relationship between public health rights and intellectual property rights clearly. He argues that both intellectual property rights and public health rights are essential. However, when they are in conflict with each other, public health rights should always take priority over intellectual property rights in government decision-making.⁸³ Yang Jun of East China University of Political Science and Law in Shanghai also argues that in facing the AIDS crisis, China should solve the drug access problem through a series of measures, including the implementation of compulsory licensing according to the Doha Declaration.⁸⁴ Duan Qiong of the China University of Political Science and Law in Beijing even bluntly quotes the US example of threatening to use a compulsory licence to manufacture a generic drug for anthrax to force Bayer to cut the price of Cipro during the anthrax attacks in 2001. She holds that China can use the same strategy to compel pharmaceutical companies

⁸¹ Yang Zhongwei, ‘TRIPS Xia Yaopin Zhuanliquan yu Gonggong Jiankangquan de Chongtu yu Xietiao’ (Conflict and Coordination of Patent Right of Drugs and Public Health Right under TRIPS), *Zhongguo Weisheng Shiye Guanli (The Chinese Health Service Management)*, No. 4, 2007, pp. 255-256, & 281.

⁸² Yang Zhongwei (2007); and Yang Jun, ‘TRIPS Xieyi Xiugai dui Zhongguo Aizibing Yaopin Kejixing de Yingxiang ji Yingdui Celue’ (The Effect of the Amendment of TRIPS Agreement on the Access to AIDS Medicines in China and Counter Measures), *Xinjiang Shehui Kexue (Social Sciences in Xinjiang)*, No.2, 2006, pp. 77-80.

⁸³ Yang Zhongwei (2007), p. 281.

⁸⁴ Yang Jun (2006), p. 78.

to reduce the price of HIV/AIDS drugs substantially.⁸⁵ However, Wen Xikai, an official from the State Intellectual Property Office said '[t]heoretically, China can declare that the country is in an emergency situation and imposes compulsory licensing to allow it to make generic drugs. But we have to take some economic factors into consideration'.⁸⁶

On the surface, China is opposed to Western-dominated intellectual property regimes. However, it seems that Beijing's rhetoric differs from its actual policy regarding pharmaceutical drugs. This chapter has shown its reluctance to press for a structural reform of intellectual property rights regulation in the WTO, albeit lending its support to developing countries when the negotiations over the Decision on Implementation of Paragraph 6 of the Doha Declaration were underway. In contrast, South Africa's move to allow compulsory licensing and parallel importation of patented ARV medicines in 1997-98 was far more path-breaking. In face of public relations disasters, 39 major global pharmaceutical companies withdrew lawsuits in 1998 and 2001. South Africa under Nelson Mandela, its Treatment Action Campaign and international civil society organisations, such as Médecins Sans Frontières (MSF) and Oxfam played a more significant role in forcing the pharmaceutical companies to cut the prices of HIV/AIDS drugs for African countries substantially.⁸⁷ Furthermore, recent studies of HIV/AIDS in Africa make no mention of China in the continental fight against the epidemic.⁸⁸ With a HIV prevalence rate at 24.6% in 2003⁸⁹, Zimbabwe's AIDS situation is dire. One wonders what China, an alleged friend of the country, has done to alleviate the crisis there.

⁸⁵ Duan Qiong, 'TRIPS Kuangjia xia Wo Guo Aizibing Yaopin kejixing Wenti Tanta' (The Access to HIV/AIDS Medicines in Our Country under the TRIPS Framework), *Cai Jing Jie (Economic and Financial Sector)*, March 2006, pp. 202-204.

⁸⁶ 'Access to Drugs Key to Controlling AIDS', *China Daily*, 28 June 2004.

⁸⁷ Hakan Seckinelgin, *International Politics of HIV/AIDS: Global Disease – Local Pain* (London and New York: Routledge, 2008), pp. 22-30.

⁸⁸ See Corinne Squire, *HIV in South Africa* (Abingdon: Routledge, 2007); Amy Patterson, *The Politics of AIDS in Africa* (Boulder, CO: Lynne Rienner Publishers, 2006); Anton A. van Niekerk, and Loretta M. Kopelman (eds), *Ethics and AIDS in Africa: The Challenge to Our Thinking* (California: Left Coast Press, 2005); Nana K. Poku, *AIDS in Africa: How the Poor are Dying* (Malden: Polity, 2005); Nana K. Poku and Alan Whiteside (eds), *The Political Economy of AIDS in Africa* (Aldershot: Ashgate, 2004).

⁸⁹ Amy Patterson (2006), p. 5.

In the coalition of G20 China is supposed to lend its support to developing countries. However, it did not work closely with developing countries to counter the interests of the US and other developed countries. Indeed, it appears quite aloof and does not actively promote a revisionist agenda of the developing world.⁹⁰ At issue are what China's preferences are and why it has such preferences. Perhaps a major Chinese concern is its impact on the economic interdependence between China and the West. In the course of economic reforms the Chinese government has always placed economic development at the top of its policy agenda. After becoming a member of the WTO, China has worked hard with major economic powers to open up international markets. In examining China's behaviour in its first two years of WTO membership, Margaret Pearson argues that China's development position 'has been closely linked to its own economic interests', and it does not necessarily 'put itself in the developing country camp'.

Within its borders, China's interests in imposing compulsory licensing on foreign HIV/AIDS drugs are not strong either. By the time the Chinese government estimated that up to one million (this number was lowered to 650,000 in 2006) were living with HIV/AIDS in the country in 2001, China was actively working to increase the availability of HIV/AIDS drugs inside the country. Not only did it successfully produce its own generic drugs in 2002, it also proactively negotiated with foreign pharmaceutical companies to lower their prices. Qi Xiaoqiu, Director General of the Department of Disease Control in the Ministry of Health, warned in September 2002 that if the talks with pharmaceutical companies failed, China would follow India, Brazil and Thailand to bypass patents in order to manufacture its own cheaper version of AIDS drugs. However, Qi denied later that China had planned to violate drug patents. It has been widely believed that China's shifting stance is due to its recent

⁹⁰ Margaret M. Pearson, 'China in Geneva: Lessons from China's Early Years in the World Trade Organization', in Alastair Iain Johnston and Robert S. Ross (eds), *New Directions in the Study of China's Foreign Policy* (Stanford: Stanford University Press, 2006), pp. 242-275; quote from p.252.

membership of the WTO; it is at pains to be seen to live up to its obligations as a new member of the trade organisation.⁹¹

Another concern is the possible implications for its interests and cooperation with multinational companies, especially the pharmaceutical industry. With China's successful economic reforms, global pharmaceutical firms have increased their investments in China. China does not want to offend the interests of foreign pharmaceutical firms inside the country while it is negotiating with them to reduce the prices of ARVs.⁹² In addition, compared with the countries with high HIV prevalence, the urgency for second-line ARV therapy in China is not extremely pressing. China started its free treatment programme in 2003 and; so far, the majority of those who receive free HIV drugs still rely on the first-line anti-retrovirals.⁹³ According to an official of China's National Centre for Diseases Control and Prevention (CDC) in Beijing, the government just started a pilot scheme of second-line treatment at the end of 2007 and so far, only 100 HIV patients are receiving it.⁹⁴

However, this situation will change soon. According to a senior advisor to MSF in Beijing, about 16% of the patients who have had good compliance with the first-line ARV will need second-line therapy four years later.⁹⁵ A recent study conducted by the AIDS Institute at the University of Hong Kong and the State Key Laboratory of Virology at the Wuhan University shows that growing resistance to the first-line

⁹¹ Elisabeth Rosenthal, 'China Now Set to Make Copies of AIDS Drugs', *The New York Times*, 7 September 2002; and 'China to Comply with Patents on AIDS Drugs, Official Says', *The Asian Wall Street Journal*, 10 September 2002; 'Profile: Generic AIDS Drugs for China', *National Public Radio*, 23 September 2002; Gareth Leather, 'China – Unclear Message from Beijing on Generic AIDS Drugs', *World Markets Research Centre*, 9 September 2002.

⁹² 'Drug Giant to Supply Cheap AIDS Medicine', *South China Morning Post*, 13 July 2004; and 'Profile: Generic AIDS Drugs for China', *National Public Radio*, 23 September 2002.

⁹³ Accordingly 42 807 out of the estimated 700 000 HIV/AIDS patients in China are receiving free first-line ARV treatment from the Chinese government at the end of 2007. Among them, 41 777 are adults and 1 030 are children. Data is provided by an anonymous informant from the China's National CDC in Beijing in February 2008.

⁹⁴ Interview with an anonymous informant from the China's National CDC in Beijing in February 2008.

⁹⁵ Zhang Feng, 'Second-Line Treatment in Urgent Demand', *China Daily*, 1 December 2006.

antiretroviral drugs is developing among the HIV patients in Hubei province. Chen Zhiwei, Director of the AIDS Institute, warns that China's HIV/AIDS epidemic could get worse rapidly in China.⁹⁶ Perhaps this is the reason why at the end of 2006 the Ministry of Health started to negotiate with Abbott, a US pharmaceutical firm, for a deal to largely reduce the price of *ritonavir*, a key component of the second-line cocktail treatment.⁹⁷ The Chinese government is also calling for public-private partnerships in fighting HIV/AIDS inside the country. Pharmaceutical companies have been playing a key role in the establishment of the international Global Business Coalition on HIV/AIDS (GBC) in Beijing since 2004. For example, Bayer, a member of the GBC, has co-founded a public health and HIV/AIDS programme at the Tsinghua University in Beijing in 2004.⁹⁸ The Merck Company Foundation, another GBC member, is collaborating with the Ministry of Health to support a US\$30 million five-year prevention and outreach programme known as Community-Based HIV/AIDS Prevention Initiative Programme, in Liangshan Prefecture in Sichuan province since 2005. This is the largest public-private HIV/AIDS undertaking in China.⁹⁹ In view of the fact that it receives a substantial amount of financial and technical aid from some of the largest pharmaceutical companies in the globe, it is not in its interests to perform as a major obstructionist power in the liberal economic order. Its incentive to override drug patents for the benefit of developing countries with high HIV/AIDS prevalence is low.

In general, China has been doing fairly well in complying with the WTO trade regime. In the area of intellectual property rights, China not only amends its regulations and legal framework related to public health rights, but also agrees to protect the patent rights of the companies that sell products to China. It seems that it is not in the interests of China to infringe the WTO's trade agreement. During an interview with one of the leading scholars in the study of health governance in China, he explicitly pointed out that in the area of public health the US has led China by the

⁹⁶ Mary Ann Benitez, 'Drug Failing to Curb HIV', *South China Morning Post*, 17 December 2007.

⁹⁷ Zhang Feng, 'Second-line Treatment in Urgent Demand', *China Daily*, 1 December 2006.

⁹⁸ Tom Miller, 'Coalitions Gain Trust of Authorities', *South China Morning Post*, 31 March 2006.

⁹⁹ Linda M. Distlerath, 'China and HIV/AIDS Public-Private Partnership: Breaking the Chain', *The World Today*, Vol. 62, No. 4, April 2006, pp. 15-17.

nose. Although Beijing is able and also has the right to apply compulsory license to manufacture or import cheaper copycat versions of anti-retroviral drugs according to international law, it has not done so because it does not want to confront US interests directly.¹⁰⁰ Therefore, one can conclude that within the WTO, China is acting as a system-maintainer that follows the rules of the organisation rather than a system-transformer that seeks a change of the existing rules. This is also largely consistent with a dominant observation that China's role in international institutions is, by and large, a status quo power, rather than a revisionist one.¹⁰¹

China's Position in the World Health Organisation

In contrast to its role within the WTO, China is not a passive player in the World Health Organisation (WHO). The WHO has a myriad of functions, such as providing advice on health policy, clinical medicine to poor countries, and coordinating campaigns against serious chronic diseases and infectious diseases. However, it may not be an exaggeration to say that the WHO is one of the most powerful international organisations in the sense that even UN Security Council permanent members bow to pressure as soon as it issues emergency travel advisories. No country can veto its decisions to issue the advisories. During the SARS outbreak in 2003, China already experienced the prowess of this health organisation. On 22 March 2003 the WHO regional director of the Western Pacific Regional Office, Shigeru Omi, urged China to increase cooperation and transparency in information sharing regarding the outbreak in Guangdong in a one-to-one meeting in Hong Kong with China's then Minister of Health, Zhang Wenkang. According to Omi, the meeting with the top Chinese health official was fruitless and 'We [the WHO] didn't get what we needed straight

¹⁰⁰ Interview on 17 March 2008 in Beijing.

¹⁰¹ Margaret M. Pearson (2006), pp. 242-275; Alastair Iain Johnston, 'Is China a Status Quo Power?' *International Security*, Vol. 27, No. 4, 2003, pp. 5-56; Margaret M. Pearson, 'China's Integration into the International Trade and Investment Regime', in Elizabeth Economy and Michel Oksenberg (eds), *China Joins the World: Progress and Prospects* (New York; Council on Foreign Relations Press, 1999), pp. 161-205; and Samuel S. Kim, 'China and the United Nations', *ibid.*, pp. 42-89.

away'.¹⁰² While the SARS outbreak was spreading to more areas around the world, the Beijing Office of the WHO informed the Chinese government on 1 April 2003, ten days after the meeting, that it would issue that day a travel advisory against unnecessary travel to the province.¹⁰³ This was the first time in its history that the WHO issued a travel advisory and the finger was directly pointing to China.

The WHO went through a leadership change in November 2006. Following the sudden death of Lee Jong-wook on 22 May 2006, Margaret Chan, a Chinese candidate, was elected as the new Director-General of the health organisation on 9 November 2006.¹⁰⁴ China highly recommended and gave full support to Chan for the election. This election is deemed significant because it is the first time since 1971 that China nominated and supported a Chinese national as a candidate in an election to the top post of a UN body. Chinese official, Ren Minghui of the Ministry of Health of the PRC, said '[we are nominating her] because we think China needs to play an active role in global public health'.¹⁰⁵ During my interview with Wang Yizhou, Deputy Director of the Institute of World Economy and Politics at the Chinese Academy of

¹⁰² Shigeru Omi, 'Overview', in World Health Organization, *SARS: How a Global Epidemic was Stopped* (Geneva: World Health Organization, Western Pacific Region, 2006), p. vii-x; quotation on p. ix; and William Foreman, 'WHO Book about SARS Praises Vietnam and Singapore, Slams China's Response', *Associated Press Newswires*, 15 May 2006.

¹⁰³ Shigeru Omi (2006), p. ix.

¹⁰⁴ Before the election, Margaret Chan was WHO Assistant Director-General for Communicable Diseases and former Director of Health of Hong Kong during the SARS outbreak in 2003. There are two different opinion camps about Chan's succession. On the one hand, since Chan is familiar with the Chinese system and has experience working with the Chinese authorities, it is hoped that China will feel more comfortable in handling its relationships with the WHO and will be more transparent in sharing information. Interestingly just one day after Chan's success, China sent 20 samples of bird flu virus to a WHO laboratory in the US after it had declined to do so since 2004. See Frank Ching, 'All eyes on the doctor', *South China Morning Post*, 14 November 2006; and Mary Ann Benitez, 'Beijing ends impasse over bird flu samples virus sent to US a day after Chan is elected WHO chief', *South China Morning Post*, 11 November 2006. However, another camp suspects whether she would be more sympathetic to China. In addition, given China's sluggish response to the SARS outbreak, they ask whether Chan would dare to tell Beijing what to do if there were any similar outbreak? See 'HK Experience a good qualification for WHO chief', *South China Morning Post*, 26 July 2006.

¹⁰⁵ Patsy Moy, Paggie Leung and Mary Ann Benitez, 'Margaret Chan Wins Beijing's Backing', *South China Morning Post*, 26 July 2006.

Social Sciences (CASS), he commented on this issue and said that ‘Margaret Chan’s nomination as the General Director of the WHO is not a fortuitous incident’.¹⁰⁶ In fact, it has been widely believed that Chan’s success was largely due to Beijing’s blessing and her appointment was seen as a diplomatic triumph both for her and China.¹⁰⁷ However, one may wonder why China, after gaining the membership for more than three decades of the health organisation, would so belatedly take a more proactive approach within it.

Perhaps the quest for international status as a normal power in the international community serves as one of the major reasons for China to do so. Derek Yach, a former WHO executive commented that Chan’s appointment ‘coincides with China’s political and economic ascendancy’. This view was echoed by the head of the Global Health Council, a Washington-based advocacy organisation, who said that ‘the message is very clear that China is here on the world stage, and it was the appropriate time to recognize that with a senior position at a UN agency’.¹⁰⁸ As argued by Yong Deng, China’s post-Cold War foreign policy is mainly driven by its quest for great-power status.¹⁰⁹ China’s influence in many major international institutions, such as the WTO, International Monetary Fund and World Bank, is quite limited. In addition, as an illiberal state, China is the only permanent members of the UN Security Council which is not a member of the G8. In response to the French president Nicolas Sarkozy’s recent suggestion that the membership of the G8 should be enlarged, Japan explicitly pointed out that China did not share the same political values with the G8 members and because of that, it would only dilute the solidarity of the organisation if China were included.¹¹⁰ It is very obvious that China is regarded as an ‘out-group’ power by established powers in the West. Although it has sounded out its intention to

¹⁰⁶ The interview was conducted in Mandarin and was held on 14 March 2008 in Beijing, China.

¹⁰⁷ Frank Ching, ‘All Eyes on the Doctor’, *South China Morning Post*, 14 November 2006.

¹⁰⁸ David Brown, ‘Chinese Physician Elected Head of WHO; Chan Instrumental in Fighting SARS, Bird Flu Outbreaks’, *The Washington Post*, 10 November 2006.

¹⁰⁹ Yong Deng, *China’s Struggle for Status: The Realignment of International Relations* (Cambridge: Cambridge University Press, 2008).

¹¹⁰ Krishna Guha, George Parker, and David Pilling, “‘Rich Nations’ club faces Pressure to Expand”, *Financial Times*, 10 July 2008.

be a 'normal global power',¹¹¹ it is still viewed as 'abnormal' by the West even after three decades of economic reforms. Therefore, it is keen to extend its influence and rebuild its international status within international organisations at every opportunity. By doing so, it is hoping that it will be recognised as a legitimate great power among its Western counterparts.

Another possible reason is that China may want to have a greater say in the health organisation, particularly in the agenda-setting process. A Chinese scholar, specializing in China and global health governance, explained during my interview with him that 'the major purpose for Beijing to nominate and support Margaret Chan as the Director General of the health organisation is to block Washington's attempt to ask the WHO to consider Taiwan's membership application'.¹¹² Although there is no evidence to prove this claim, one could assume that with a Chinese national at the helm of the health organisation, it will be harder for Taiwan to take the move. In the election campaign, Shigeru Omi, a Japanese candidate, was perceived as the strongest rival to Chan. Omi openly slammed China's response to the SARS outbreak in the book, *SARS: How a Global Epidemic was Stopped*.¹¹³ One can assume that if Omi became the Director General, he would be less sympathetic to China's political concern over its sovereignty.

It is less controversial to claim that China is now playing an active role in global health governance. However, there is no compelling evidence to prove that China wants Margaret Chan to undertake any major policy reform within the WHO. China's intention in backing Chan's candidacy is still guesswork. More important issues are whether or not China would be more willing to co-operate with the WHO when the organisation is headed by the one it nominated; whether China would ally with Third World countries strategically to reform the structure, rules and practices of the WHO or other UN institutions in such a way that they would become more favourable to the

¹¹¹ Pang Zhongying, 'Beijing a Normal Global Power: On Rebuilding China's World View', *Beijing Review*, 18 July 2002, pp. 12-13.

¹¹² The interview was conducted in Beijing on 17 March 2008. Anonymity.

¹¹³ Shigeru Omi, 'Overview', in World Health Organization, *SARS: How a Global Epidemic was Stopped* (Geneva: World Health Organization, Western Pacific Region, 2006), pp. vii-x.

development of developing countries; and whether China would make use of the organisation instrumentally to promote its own interests. China's intentions and aspirations remain unclear but perhaps we can get some cue from Chan's inauguration speech:

Improvements in the health of the people of *Africa* and the health of women are key indicators of the performance of WHO ... This is a health organisation for the whole world ... but we must focus our attention on the people in greatest need.'¹¹⁴

Nevertheless, if the choice for WHO chief is steeped in politics, as described by Derek Yach,¹¹⁵ then it could be seen as a covert contest between China and the US. However, this study finds no compelling evidence that China wants to confront the US directly. Instead, one can interpret China's move as a result of its increasing concern about its international status as well as determination to increase its international influence at the international community whenever the opportunity arrives.

Conclusion

Since the founding of the PRC, China and Africa have established a long-standing strategic partnership, albeit with an interruption in the 1980s. In evaluating what China has contributed to solving the spread of HIV/AIDS in Africa, evidence presented in this chapter suggests that it is still uncertain whether China would be willing to provide the people of the continent with global public goods for health. However, what is quite certain is that China's no-strings-attached policy and its debt relief have successfully solicited support from African countries. Ethiopian Prime Minister Meles Zenawi has precisely compared China's influence and the good governance touted by the US – 'I think it would be wrong for people in the west to assume that they can buy good governance in Africa. Good governance can only

¹¹⁴ David Brown, 'Chinese Physician Elected Head of WHO; Chan Instrumental in Fighting SARS, Bird Flu Outbreaks', *The Washington Post*, 10 November 2006. Emphasis added.

¹¹⁵ Betsy McKay, 'Top global health jobs up for grabs', *the Wall Street Journal Asia*, 5 September 2006.

come from inside. What the Chinese have done is explode that illusion'.¹¹⁶ Therefore, while developed countries are at pains to promote a liberal international order, China's hands-off politics is given more warm support by developing countries.

While China's influence in the continent is rising, the matter is rather whether or not China is going to challenge the liberal international order and promote a non-liberal concept of global governance. By examining China's position on the WTO's TRIPS agreement and drug patents, this chapter has showed a contradiction between reality and rhetoric of the Chinese government. On the one hand, Beijing harbours deep resentment against the 'US-style patent law'; on the other, it has largely complied with the rules under the intellectual property rights. In its participation in the WTO, China is far from revisionist. Rather, it has been acting as a system defender. This is largely consistent with Alastair Iain Johnston's theme that China's behaviour in international institutions is, by and large, pro-status-quo. It seems that China does not want to portray itself as a defiant challenger or discontented system-transformer to the liberal international economic order. The reasons are fourfold. First, economic interdependence has pushed China to pursue a more moderate policy and to cooperate with a variety of actors both domestically and internationally. The second possible explanation is that despite conflicts with the West over political values, China's behaviour is largely dictated by an inequality of power between the US and it. It might be in its best interests not to defy the US liberal international order unless it is powerful enough to do so. Third, China's desire to earn recognition and respect by established great powers in international society might also drive it not to seek any frontal attack on the liberal democratic order. Finally, from a pragmatic point of view, China faces no pressing need to introduce second-line ARVs. Copycat production of patent drugs is not a high priority of the central government. China therefore shares little interests with many African countries in this matter. The following chapter will provide a detailed interpretation of China's increased participation in global health governance.

¹¹⁶ William Wallis and Geoff Dyer, 'Financing: Lending Rattles the Traditional Donors', *Financial Times*, 23 January 2008.

Chapter 6 Theorising China's Increased Participation in Global Health Governance

[China's integration into the international system] prompts the question: Integration to what end? What's the purpose of this integration?

Robert Zoellick, 2006¹

We aim to build a harmonious society at home, and work with other countries to build a harmonious world of enduring peace and common prosperity.

Hu Jintao, 2007²

The ways in which China fights the HIV/AIDS pandemic through multilateral cooperation both at home and abroad have been presented in the previous chapters. Its engagement with the health regime in dealing with the disease has mixed results with both positive and negative elements. With increasing economic, political and normative clout, whether China would comply with the Western norms and rules without any qualification is a crucial question. Against this background, this chapter primarily addresses two questions: First, why did China change its stance at the turn of the century and has since then increased its participation in global health governance? Second, what does China's record of compliance and non-compliance

¹ Robert Zoellick was the then Deputy Secretary of State of the United States. The quotation is excerpted from his comments on the US-China relations during an interview with Phoenix Television on 18 April 2006 in Washington on the eve of Chinese President Hu Jintao's visit to Washington. In his speech, he once again requested China to act as a 'responsible stakeholder' in the international system. See Jane Morse, 'Relations with China a Top US Concerns, state's Zoellick Says', The US Department of State, 10 May 2006; available at <http://usinfo.state.gov/eap/Archive/2006/May/10-722018.html> (accessed 6 June 2008).

² From Chinese President Hu Jintao's remarks at the University of Pretoria in South Africa during his eight-nation Africa tour in February 2007; available at http://english.gov.cn/2007-02/07/content_520936.htm (accessed 2 May 2008).

with the international health regime and its activities in both the WHO and WTO reveal about its preferences for the world order?

Section 1 focuses in particular upon the reasons for China's embrace of multilateral cooperation in combating the disease. It argues that China's changing stance is driven by both necessity and conscious design. On the one hand, both international concerns about good governance and China's aspiration to act as a 'responsible' and 'legitimate' state have exerted a normative effect on the country to change tack. Its interactions with United Nations agencies have triggered a learning process for China to securitise the spread of infectious diseases as a security threat. On the other, China has utilised multilateralism to gain access to international resources and technical assistance. Section 2 examines China's preferences for world order from studying its use of a multilateral approach to managing global issues since the end of last century. The promotion of the notion of a 'harmonious world' not only serves as a defensive strategy to fend off criticisms from the West in regard to its unyielding understanding of sovereignty and the 'China threat' argument, but also shows the world that there are and should be non-Western models of development. On the other hand, with limited soft power, China tends to resort to soft balancing to guard against the liberal international order while avoiding a head-on confrontation with the US.

Why a Change of Stance on HIV/AIDS?³

Previous work suggests that the principal catalyst for China's shifting policy towards HIV/AIDS was the SARS outbreak in 2002-2003 that wrought havoc on the nation as well as Southeast Asia and North America.⁴ However, this thesis argues that China began to alter its stance towards HIV/AIDS well before the SARS outbreak. As early as June 2001, China officially admitted its AIDS crisis and started to mobilise various

³ This section draws and elaborates on Lai-Ha Chan, *The Evolution of Health Governance in China: A Case Study of HIV/AIDS*. Griffith Asian Institute Regional Outlook, No. 8 (Brisbane: Griffith Asia Institute, 2006); and Lai-Ha Chan, Pak K. Lee and Gerald Chan, 'China Engages Global Health Governance: Processes and Dilemmas', *Global Public Health*, Vol. 4, No. 1, 2009 (forthcoming).

⁴ For example, Bates Gill, J. Stephen Morrison and Drew Thompson, *Defusing China's Time Bomb: Sustaining the Momentum of China's HIV/AIDS Response* (Washington DC: the Center for Strategic and International Studies, 2004).

actors inside and beyond its territory to fight the disease. The SARS outbreak simply served as the second catalyst for deepening China's engagement with the global health regime. Several hypotheses can be formulated to account for China's changing governance policy towards infectious diseases and its improved compliance with global norms and rules.⁵ Rational utilitarian calculations, the securitisation of communicable diseases by the international community towards the end of the 20th century, international concerns about good governance, and China's self-projection as a responsible state have all had lingering impacts on its changing stance on HIV/AIDS since the dawn of the present century.

Rational Utilitarian Calculations

China perceives multilateralism or global health governance instrumentally in terms of rational utilitarian calculations of tangible costs and benefits. The potential cost of multilateralism to China is the danger of losing national sovereignty and inviting external intervention into its domestic affairs. To allay this concern, China has been skilfully utilising state-centric multilateralism. While cooperating with a multitude of actors, its multilateral cooperation is heavily dominated by *state-led* health governance. At the same time, China's leaders have also seen the virtue of multilateralism and realised the importance of interdependence in the promotion of its national interests since the 1990s.⁶ China openly admits that its ailing healthcare system is too fragile to control emerging infectious diseases in the hope that it can gain access to international resources and technical assistance. By acknowledging deficiencies in handling its HIV/AIDS problem, China can cement cooperation with international state and non-state actors. For instance, shortly before China revised its

⁵ Compliance studies have shown that an actor's compliant behaviour could be motivated by both utilitarian and non-utilitarian reasons. See Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995); Oran R. Young, *Compliance and Public Authority: A Theory with International Applications* (Baltimore and London: Johns Hopkins University Press, 1979).

⁶ See Yong Deng, 'Conception of National Interests: Realpolitik, Liberal Dilemma, and the Possibility of Change', in Yong Deng and Fei-Ling Wang (eds), *In the Eyes of the Dragon: China Views the World* (Lanham: Rowman & Littlefield Publishers, 1999), pp. 47-72.

population of HIV/AIDS sufferers in 2001, it was in the process of submitting an application to the Global Fund for a grant worth US\$90 million.⁷ Although the first two applications were rejected by the organisation, China was finally granted almost US\$98 million in the third round in 2004. This funding was largely devoted to the China CARES programme – a community-based HIV treatment, care and prevention programme in central China.⁸ Hereafter, China's applications to the Global Fund have been accepted. From 2004 to October 2007, China was granted around US\$180 million in total to run four different projects to reduce the spread of HIV/AIDS in China.⁹

Apart from that, since its admission of the AIDS crisis, China has entered into cooperation with more than twenty international organisations and countries, which provide it with financial or medical assistance to prevent and control the epidemic.¹⁰ By 2005, all China's 31 provinces and autonomous regions were covered with international cooperation AIDS projects.¹¹ For example, apart from the government-spanning networks with Australia and the United Kingdom mentioned in Chapter 4, China has collaborated with the US Global AIDS Programme since 2002, although the two governments do not always agree with each other on human rights issues. Northeast China's Heilongjiang province is one of the beneficiaries of such collaboration. Since June 2004, the US Global AIDS Programme has helped to set up fifteen of the province's twenty-one HIV surveillance sites at disease control and prevention centres. The US government announced in June 2005 that it would commit

⁷ The first application that China lodged to the Global fund was rejected in early 2002, due to its unreliable statistics and closed attitude towards its HIV/AIDS problem. The government submitted its another application again later that year. See Elisabeth Rosenthal, 'China Now Set to Make Copies of AIDS Drugs', *New York Times*, 7 September 2002.

⁸ See *China and the Global Fund*; available at: <http://www.theglobalfund.org/programs/grantdetails.aspx?compid=616&grantid=271&lang=en&CountryId=CHN> (accessed 22 April 2008).

⁹ For details of these projects, please see the Global Fund official website, available at: <http://www.theglobalfund.org/programs/search.aspx?lang=en> (accessed 22 April 2008).

¹⁰ 'China Outlines Strategy to Fight AIDS', *China Daily*, 10 July 2004.

¹¹ *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC and UNAIDS and WHO, 24 January 2006), p. 10.

over US\$35 million to HIV/AIDS-related activities in China between 2006 and 2008.¹²

Financial and medical assistance has also come from such international institutions as the United Nations Children's Fund (UNICEF), World Bank, the Clinton Foundation, the Global Fund, the Bill & Melinda Gates Foundation, and the Global Business Coalition on HIV/AIDS.¹³ In 2003 and 2004 alone, the international community committed approximately 700 million yuan (US\$87.5 million) in total in donations to support China's response to HIV/AIDS.¹⁴ In contrast, the financial input from the central government was just slightly higher than the financial support the government received from international donors in the same period (see Figure 3.2). In other words, through cooperation with international donors, China doubled its funding and resources for the prevention and control of its AIDS crisis. In meeting Peter Piot of UNAIDS in Beijing in September 2006, He Luli, then vice-chairwoman of the Standing Committee of the National People's Congress, said that China needs more support from the UN body to treat its AIDS patients and to prevent the spread of the disease.¹⁵

The Chinese government realizes that it also needs the help of NGOs and the private sector to combat the disease. Domestically, China has experienced a quiet sexual revolution after its market-oriented economic reform. An ethnographic study of HIV/AIDS in China has showed a triangular relationship among economic growth,

¹² 'Sino-US programme targets HIV/AIDS', Embassy of the People's Republic of China in Australia, 9 June 2005, available at <http://au.china-embassy.org/eng/xw/t199281.htm> (accessed on 18 February 2006).

¹³ In 2004 and 2005 China was granted by the Global Fund a total of US\$56 million to tackle HIV/AIDS. In July 2006 the Global Fund signed an agreement for a grant of US\$12.5 million for HIV/AIDS work with China. The Global Fund to Fight AIDS, Tuberculosis and Malaria, available at <http://www.theglobalfund.org/programs/Portfolio.aspx?countryID=CHN&lang=en> (accessed on 12 July 2006); Mure Dickie, 'China To Receive Aids Grants Despite Dispute over Supervisory Board', *Financial Times*, 11 July 2006.

¹⁴ *2005 Update on the HIV/AIDS Epidemic and Response in China* (Beijing: Ministry of Health of the PRC and UNAIDS and WHO, 24 January 2006), p. 10.

¹⁵ 'China to strengthen AIDS cooperation with UN, says NPC vice-chairwoman', *Xinhua News Agency*, 12 September 2006.

sex workers and HIV/AIDS.¹⁶ On the one hand, people are more open about sex; on the other hand, the lingering effect of traditional culture has made sex a taboo subject in the society. People are loath to talk openly about it. Social stigmatization of HIV/AIDS patients has further induced people to deliberately hide their real situation. It is hard for the government to identify the HIV/AIDS demography in the country. In addition, the fruit of China's economic reforms are highly concentrated in coastal cities. Approximately 150 million migrant workers from rural areas in inland provinces reside and work in major coastal cities. A direct link between floating migration and the diffusion of sexually transmitted diseases (STDs), including HIV, has been identified. Floating migrants are more likely to engage in high-risk behaviours, such as unprotected sex with multiple partners, needle sharing and drug injection.¹⁷ As shown in Figure 3.1, among all the transmission modes of HIV/AIDS in China, sexual transmission and intravenous drug user (IDU) accounted for 90% of HIV/AIDS cases at the end of 2007. This forced Beijing to admit the dangers of AIDS and to declare that it could not win the battle by fighting the war alone.¹⁸ It desperately needs help from all sectors, including IGOs, NGOs, and MNCs. As a result, the central government started mobilising a wide range of actors in combating the diseases since the turn of this century.

In a summit on AIDS in Beijing in March 2005, jointly hosted by the Ministry of Health and the Global Business Coalition on HIV/AIDS, then Vice Premier and Health Minister, Wu Yi, urged private companies and NGOs to play a larger role in halting the spread of HIV/AIDS in China. As of December 2005 a total of twenty-six international companies had already established, or had committed to implementing, non-discrimination policies for HIV/AIDS for their China-based employees.¹⁹ Apart

¹⁶ Sandra Teresa Hyde, *Eating Spring Rice: The Cultural Politics of AIDS in Southwest China* (Berkeley and Los Angeles: University of California Press, 2007).

¹⁷ Xiushi Yang, 'Temporary Migration and the Spread of STDs/HIV in China: Is There a Link?', *The International Migration Review*, Vol. 38, No. 1, Spring 2004, pp. 212-235.

¹⁸ Joseph Kahn, 'World Briefing Asia: China: Business Urged to Help fight AIDS', *The New York Times*, 19 March 2005.

¹⁹ The Corporate Social Responsibility Newswire Service, '26 Companies of the Global Business Coalition on HIV/AIDS (GBC) Announce Immediate Commitments to Fight AIDS in China', 17 May 2005, available at <http://www.csrwire.com/article.cgi/3948.html> (accessed on 18 February 2006).

from that, the Ministry of Health, Merck & Co., a multinational pharmaceutical company, and the Merck Company Foundation, have co-organised a project known as 'HIV/AIDS Community-Based Prevention Initiative'. They have invited private companies to participate on a contracting-out basis in designing a community-based HIV/AIDS prevention and education programme in Zhaojue and Butuo counties, Sichuan, where the rate of HIV/AIDS infection is high.²⁰ A public-private partnership known as the China Health Alliance was launched by the Global Health Initiative of the World Economic Forum in September 2006. The Alliance brings together private companies, the Chinese government, UN agencies as well as NGOs to implement HIV and tuberculosis programmes for migrant workers in rural workplaces.²¹

In summary, due to the fact that China is short of human and material resources in dealing with the deadly disease alone, it badly needs the participation of transnational actors. Cooperation with them could draw them into assisting the domestic campaign to halt the transmission of HIV. This rational calculation of interests motivates China to cooperate with various international organisations in tackling its HIV/AIDS problem.

Communicable Diseases as an Identifiable Threat

Since 2000 the United Nations has played a critical role in securitising HIV/AIDS, constructing the disease as a security threat that demands international attention and action.²² In January 2000 Kofi Annan argued in a UN Security Council meeting on HIV/AIDS that 'AIDS is causing socioeconomic crises which, in turn, threaten

²⁰ 'HIV/AIDS Community-Based Prevention Initiative in Sichuan Expression of Interest: 001-05', Ministry of Health of the PRC, 29 November 2005, available at http://www.moh.gov.cn/news/sub_index.aspx?tp_class=B2 (accessed on 26 January 2006); Linda M Distlerath, 'China and HIV/AIDS – Public-Private Partnership: Breaking the Chain', *The World Today*, Vol. 62, No. 4, April 2006, pp. 15-17.

²¹ 'Global Health Initiative Catalyses New China Health Alliance against TB and AIDS', *IPR Strategic Information Database*, 11 September 2006; 'Businesses, government, NGOs launch alliance to address HIV, TB in China', *Kaiser Daily HIV/AIDS Report*, 13 September 2006.

²² Colin McInnes, 'HIV/AIDS and Security', *International Affairs*, Vol. 82, No. 2, 2006, pp. 315-326.

political stability.’²³ As the first Security Council meeting in 2000 – the first one in the new millennium – it was also the first Security Council meeting that addressed a health issue. Five months later the United Nations General Assembly (UNGA) not only reaffirmed the commitments to achieving gender equality, development and empowerment of women made earlier in the ‘Beijing Declaration and Platform for Action’, but also highlighted the need to combat HIV/AIDS as one of the twelve priority areas to achieve advancement and empowerment of women.²⁴ In July of the same year the Security Council gave prominence to the security significance of the epidemic in the watershed Resolution 1308.²⁵ Subsequently, the UNGA adopted in September 2000 Resolution 55/2, otherwise known as UN Millennium Declaration, calling for halting and reversing the spread of HIV/AIDS. The UNGA convened a special session on AIDS in June 2001 when China openly acknowledged its own AIDS crisis, and adopted the Declaration of Commitment on HIV/AIDS.²⁶ In the following year the Global Fund was established. With the UN devoting increasing awareness to the epidemic, the link between HIV/AIDS and insecurity has been established in international policy discourse and agenda.

²³ Vienna International Centre of United Nations Information Service, ‘Security Council Holds Debate on Impact of AIDS on Peace and Security in Africa’, available at <http://www.unis.unvienna.org/unis/pressrels/2000/sc1173.html> (accessed on 4 April 2006)

²⁴ The ‘Beijing Declaration and Platform for Action’ was adopted at the 4th World Conference on Women in Beijing in 1995.

²⁵ United Nations Security Council, ‘Resolution 1308 (2000)’, available at <http://www.un.org/Docs/scres/2000/sc2000.htm> (accessed on 19 July 2006); Gwyn. Prins, ‘AIDS and Global Security’, *International Affairs*, Vol. 80, No. 5, 2004, pp. 931-952. The key advocate was Richard Holbrooke, the then US ambassador to the UN. He pushed the Security Council to recognize the global HIV/AIDS threat after visiting Zambia in December 1999. Having overcome the opposition from Russia and China, which ultimately relented and did not take part in the debate, the US followed through the deliberation and led to the passage of the resolution. See Steve Sternberg, ‘The Fixer Takes on Global AIDS’, *USA Today*, 11 June 2002.

²⁶ United Nations General Assembly, ‘United Nations Millennium Declaration’, available at <http://www.un.org/millennium/declaration/ares552e.htm> (accessed on 19 July 2006); United Nations General Assembly, ‘Declaration of Commitment on HIV/AIDS’, available at <http://www.un.org/ga/aids/docs/ares262.pdf>, (accessed on 19 July 2006).

Peter Piot proclaimed that HIV/AIDS is a catastrophe both from a public health perspective and from its political and socioeconomic impacts. He stressed the need for political leaders to mobilise a multilateral response to it.²⁷ As early as 1997, the UN Theme Group on HIV/AIDS warned in its report, 'China Responds to AIDS', which was jointly published with the Chinese Ministry of Health, that there would be a potential pandemic in China. If the Chinese government did not respond effectively, the total number of HIV/AIDS cases in China could rise to ten million by 2010.²⁸

The Chinese government came under a further scathing attack by the UN Theme Group in 2002 for failing to contain or treat the disease. The UN Group said in a report entitled 'HIV/AIDS: China's Titanic Peril' that China's effort to stem the epidemic had an 'infinitesimally small impact' and that China was 'on the verge of a catastrophe that could result in unimaginable suffering, economic loss and social devastation.' The UN Group blamed a lack of commitment and leadership on the part of government officials at many levels and insufficient openness about HIV/AIDS for the slow progress in combating the disease.²⁹ Soon after the UN Group's biting report, the US National Intelligence Council also published a similar report, claiming that China, together with Nigeria, Ethiopia, Russia and India, would be 'the next wave of HIV/AIDS'. It estimated that HIV/AIDS cases in China could grow to 10 to 15 million by 2010.³⁰

²⁷ Peter Piot, 'Global AIDS Pandemic: Time to Turn the Tide', *Science*, Vol. 288, Issue 5474, 23 June 2000, pp. 2176-2718; available at <http://www.sciencemag.org/cgi/content/abstract/288/5474/2176> (accessed on 4 April 2006).

²⁸ 'China Responds to AIDS', UN Theme Group on HIV/AIDS and Chinese Ministry of Health, November 1997; available at <http://www.unchina.org/un aids/ekey1.html> (accessed on 4 April 2006).

²⁹ 'U.N. Says China Faces AIDS catastrophe', *Reuters News*, 27 June 2002; "UN: HIV/AIDS Poses 'Titanic Peril' to China", *Dow Jones International News*, 27 June 2002; Leslie Chang, 'U.N. Report Slams China AIDS Efforts', *Asian Wall Street Journal*, 28 June 2002; Philip P. Pan, 'China Faces 'Titanic' AIDS Crisis', *Washington Post*, 28 June 2002.

³⁰ National Intelligence Council, *The Next Wave of HIV/AIDS: Nigeria, Ethiopia, Russia, India, China* (ICA 2002-04D, September 2002); available at <http://www.fas.org/irp/nic/hiv-aids.html> (accessed 14 June 2008). It has been argued that the reason why China attracted a huge amount of external financial assistance from the international community, despite a low prevalence rate in China (0.05%), was China's dire HIV/AIDS situation was substantially overestimated by international organisations. See

It is likely that China's long-standing, active interactions with various UN agencies, which have given HIV/AIDS increasing political attention and commitment, has triggered a learning process whereby China modifies its understanding of the vulnerability of HIV/AIDS and accordingly defines it as an identifiable security threat. Looking beyond the country, the loss of labour force and changes in demography caused by the AIDS pandemic in the African continent has vividly illustrated that HIV/AIDS should be an issue of high priority for all governments, and that infectious diseases are sometimes more destructive to the economic, political and social stability of a country than the effects of war. With one-quarter of the adult population being HIV positive at the turn of this century, South Africa's ability to participate in international peacekeeping is limited and the country has to handle the social problems arising from having two million orphans whose parents have died of the disease.³¹ China's HIV/AIDS problem has been compounded by a quiet sexual revolution in the younger generation, its ailing healthcare system and the lack of accurate information about the pandemic inside the country. With a long incubation period of HIV, the real situation of HIV/AIDS in China was pure guesswork. The Chinese government had to take emergency measures outside the normal bounds of political procedure to deal with the disease to prevent the country from becoming 'the next wave of HIV/AIDS'. As Buzan et al. argue 'an issue becomes securitized when it is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure'.³² To that end, China has

Therese Hesketh, 'HIV/AIDS in China: The Numbers Problem', *The Lancet*, Vol. 369, No. 9562, 24 February 2007.

³¹ Jennifer Brower and Peter Chalk, *The Global Threat of New and Reemerging Infectious Diseases: Reconciling US National Security and Public Health Policy* (CA: Rand Corporation, 2003), p. xiv.

³² Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder and London: Lynne Rienner Publishers, 1998), p. 23-24. During my interview with Wang Yizhou of the Chinese Academy of Social Sciences, he paid high tribute to the Copenhagen School, a school of thought associated with a group of scholars who have been cooperating with Buzan and Wæver since 1988 under the auspices of the Copenhagen Peace Research Institute in Denmark. Wang argues that this school of thought allows states to be more flexible in extending their concept of security. He believes that the 'speech act', advocated by the Copenhagen School, can be used to describe China's response to infectious diseases, such as HIV/AIDS, SARS and avian influenza. The interview was conducted on 14 March 2008 in Beijing, China.

started to mobilise resources and encourage the involvement of multiple actors to address the AIDS crisis in the country.

With a new conception of security that blurs the boundary between low politics and high politics, China has since 2001 framed the looming HIV/AIDS epidemic as a global security issue rather than merely a domestic social issue. The conceptualisation of contagious diseases as security threats has further gained strength since the SARS outbreak.³³ Turning this rhetoric into practice, Chinese leaders, such as Premier Wen Jiabao and President Hu Jintao paid high-profile visits to AIDS patients in 2003 and 2004 respectively. Against this background, there is little wonder that Peter Piot was invited to the Central Party School of the Chinese Communist Party in June 2005 to speak on the challenges of AIDS to society to a group of promising central and local officials who were groomed for promotion by receiving short-term training programmes at the School.³⁴

International Community's Prodding on Governance

From an 'outside-in' perspective, a possible motivation for China to change tack is normative pressure from the international community. The United Nations Development Programme has specifically asserted that good governance is crucial for combating HIV/AIDS.³⁵ However, what constitutes 'good governance' is open to debate. In a similar vein, how a 'responsible' member of the global system should behave provokes controversy. Nevertheless, globalisation is often considered a 'two-

³³ In terms of threat to security, SARS was equated with the September 11 terrorist attacks on the US. Zhang Ruowu, 'SARS as a Global Threat', *Beijing Review*, 8 May 2003, p. 2.

³⁴ Peter Piot, 'AIDS – One of the Biggest Challenges to Society', Speech to the Central Party School, Beijing, 15 June 2005, available at http://data.unaids.org/Media/Speeches02/SP_Piot_ChinaPS_15Jun05_en.pdf (assessed on 24 July 2006).

³⁵ Hsu Lee-Nah, *Governance and HIV/AIDS* (Bangkok: UNDP South East Asia HIV and Development Programme, 2000); UNDP South East Asia HIV and Development Programme, *Introducing Governance into HIV/AIDS Programmes: People's Republic of China, Lao PDR and Viet Nam* (Bangkok: UNDP South East Asia HIV and Development Programme, 2002).

edged sword' (*shuangren jian*) by Chinese leaders.³⁶ On the one hand, China integrates itself into the globalised world in pursuit of economic development. On the other, integration requires China to embrace a multilateral approach and the underlying values of global management. As Rosemary Foot has argued, when China started to rejoin international society in the late 1970s, the criteria of a responsible state were being changed from pluralist to solidarist concepts whereby 'common values and some notion of the common good' were given priority.³⁷

The notion of 'good governance' and the associated 'Washington Consensus', initially espoused by the Washington-based international financial institutions, have later been embraced by the United Nations and other international development agencies, such as the World Bank and the Asian Development Bank (ADB).³⁸ The World Bank emphasizes the institutional environment in which the development process takes place and accordingly brings to the fore the ingredients of effective management of the development process. The ADB further consolidates the concept of good governance by identifying four elements – accountability, participation by stakeholders, predictability based on the rule of law, and transparency in information flow about government policy and decisions. Before the Asian financial crisis of 1997-98, the ADB warned in a report entitled *Governance: Sound Development Management* that governments in the region had not yet established 'direct correlation between the political environment' and 'rapid economic growth and social development'. It emphasises that governments should 'strengthen the citizens' right to information with a degree of legal enforceability'.³⁹ Since the financial crisis, the demand for transparency in the disclosure of information in government decision-making and public policy implementation has reached its zenith.

³⁶ Nick Knight, 'Imagining Globalisation: The World and Nation in Chinese Communist Party Ideology', *Journal of Contemporary Asia*, Vol. 33, No. 3, August 2003, pp. 318-337.

³⁷ Rosemary Foot, 'Chinese Power and the Idea of a Responsible State', *The China Journal*, No. 45, January 2001, p. 2.

³⁸ Asian Development Bank, *Governance: Sound Development Management* (Manila: Asian Development Bank, 1995); World Bank, *Governance and Development* (Washington, DC: World Bank, 1992); World Bank, *Governance: The World Bank's Experience* (Washington, DC: World Bank, 1994).

³⁹ Asian Development Bank (1995), p. 4 and p. 11.

Poor transparency in Chinese government decision-making has attracted constant criticism from the international community. International NGOs have often claimed that China under-reports the seriousness of its HIV/AIDS problem. At the end of the 20th century, there were many castigating reports about China's 'AIDS villages' in Henan. China's maladministration of the SARS outbreak further exacerbated other countries' scepticism about China's responsibility to the international community. During the SARS outbreak, China was ostracised by the international community. Chinese citizens, including Hong Kong residents, were viewed as 'aliens' by many countries and were barred from entering their countries or had to be quarantined for days upon arrival.⁴⁰ This anti-China stereotype was lingering in the mind of many developed countries. From a 'West-centric' perspective, China's rise and its development is not viewed as peaceful for it directly generated global public bad for health to the global society.

With these bitter experiences, the Chinese government has come under mounting pressure to seek close cooperation with the international society in providing global public goods for health to its own citizens as well as to the global community. These circumstances brought increased pressure to bear on China to comply with the requirements of good governance. By admitting its HIV/AIDS crisis at the turn of the century, China wanted to allay international concerns over its adverse impact on the world by showing that it was becoming more transparent in disclosing information about epidemics at home. In recent years the central government has displayed a strong commitment to using a multilateral and cooperative approach in engaging with global health governance.

⁴⁰ For example, on 16 May 2003, the Irish government decided to ban athletes from SARS-affected areas, including China and Hong Kong, from participating in the 2003 Special Olympics World Summer Games, held in Dublin, Ireland between 21 June and 29 June 2003. The Irish government reversed its decision on 7 June with the condition that athletes had to stay in a non-affected country for 10 days prior to their arrival in Ireland. The University of California at Berkeley announced on 7 May 2003 that students from SARS-affected countries were not allowed to attend its summer school programme. See William Chiu and Veronica Galbraith, 'Calendar of Events', in Christine Loh and Civic Exchange (eds), *At the Epicentre: Hong Kong and the SARS Outbreak* (Hong Kong: Hong Kong University Press, 2004), pp. xxiv-xxv.

Aspiring to be a 'Responsible' and 'Legitimate' Power

The external forces which drive China to change its AIDS policy have been illustrated above. A closely related issue, but from an 'inside-out' perspective, is that another possible motivation for China's shifting health policy is its conscious design to provide global public goods for health and be a 'responsible' citizen in the international community. Premier Wen Jiabao asserted during the SARS outbreak, "We [the Chinese government] are a government not only responsible to China's 1.3 billion people, but also to the world".⁴¹ Since the beginning of this century Rosemary Foot notes China has increasingly been concerned about its international image and its identity as a responsible state and therefore, has increasingly participated in international institutions and signed international conventions.⁴² Ronald Keith also observes that China, as a world power, 'is more predisposed to accepting the responsibilities of citizenship in the international community than is the United States'.⁴³ The puzzle is why China is sensitive to the evaluations made by others in the international community and tries to be in the club of responsible states by providing global public goods for health.

The rewards for cooperation and the cost of defiance are two major reasons. In the parlance of liberal institutionalism, a good reputation will lead to more favourable terms of engagement for China with other countries not only in the health regime, but also in other areas such as trade and human rights. Its compliant behaviour in one issue-area will lower the transaction cost of its participation in other areas.⁴⁴ The material incentive to deal with HIV/AIDS which China receives from the international community has been illustrated above. By showcasing itself as a responsible state, China's policy has shifted from a purely Sino-centric worldview to

⁴¹ Nailene Chou Wiest, 'Show Faith in China to Fight Sars, says Wen', *South China Morning Post*, 30 April 2003, p. 1.

⁴² Rosemary Foot (2001), pp. 1-19.

⁴³ Ronald C. Keith, "China as a Rising World Power and its Response to 'Globalisation'", in Ronald C. Keith (ed), *China as a Rising World Power and its Response to 'Globalisation'* (London: Routledge, 2005), p. 3.

⁴⁴ Chayes and Chayes, *The New Sovereignty*, pp. 26-27.

one which stresses China's role in and its contribution to global peace and security. Turning this rhetoric into practice, China aims not only at promoting 'good governance' in curtailing the spread of infectious diseases but also earning reputation as a responsible great power.

In addition to the rewards for cooperation, the cost of non-compliance with global norms and rules has also affected China to take a rational choice on its own terms and therefore, to engage with multilateralism. Proponents of neo-realism have long asserted that China's ascendancy is an 'unpeaceful rise'.⁴⁵ Ruled by a communist regime, China's extraordinarily robust economic growth and its assertive territorial claims over the South China Sea have given rise to a prevalence of 'China threat' arguments in the international community since the early 1990s. It would be likely that China would be portrayed as a villain or a trouble-maker if it failed to comply with any international standards. In order to avoid opprobrium from the international community, it makes sense for China to care more than the US and the European Union about its international image and status. Chinese scholar, Pang Zhongying has put this bluntly by stating that the national objective of China is 'to be a normal member in the international community'. To be a normal global power, Pang contends, China should be a nation-state, an economic power, a peaceful nation, a regional power as well as global power. However, China recognises that it has yet to be a normal power in the world order. To be a normal global power, China 'needs the international community'. In order for the country to improve its image and prestige in the global community, to attain great-power status, and to defeat the 'China threat' argument, he calls on China not only to safeguard its national security and interests, but also to 'resolve global challenges through dialogue and cooperation', and contribute to the international community in a practical way. To achieve its objective, China has to 'integrate itself into the mainstream of the international community'.⁴⁶

In a similar vein, Shogo Suzuki describes China as a marginalised power. In order to secure its 'international legitimacy' and earn recognition by its peers in the West, it

⁴⁵ John J. Mearsheimer, 'China's Unpeaceful Rise', *Current History*, April 2006, pp.160-162.

⁴⁶ Pang Zhongying, 'Beijing a Normal Global Power: On Rebuilding China's World View', *Beijing Review*, 18 July 2002, pp. 12-13.

has to play 'recognition games' by behaving in a responsible way.⁴⁷ That explains why since the end of last century Chinese scholars and leaders have emphasised that China is 'a responsible great power' and follows the path to 'peaceful rise'.⁴⁸ An enormous literature, both in Chinese and English, on how to improve China's national image and enhance its role in the international arena has been published in the discipline of International Relations over the past few years.⁴⁹ However, despite all-out efforts from the Chinese government, evidence shows that its status as a responsible state in the international arena is never unassailable (I will return to this point later).

Chinese culture also attaches importance to good standing in peer groups. Recognition by its peers and the fear of being alienated by the international community provide further impetus for China to participate actively in multilateral dialogues. The unsavoury reputation as an 'abnormal state' for failing to comply with the international health regime comes back to haunt China. Furthermore, by showing that it behaves responsibly, China strengthens its soft or normative power in the international community. Therefore, its role in the efforts to fight HIV/AIDS has expanded from being a recipient of international aid to becoming a provider of

⁴⁷ Shogo Suzuki, 'Seeking 'Legitimate' Great Power Status in Post-Cold War International Society: China's and Japan's Participation in UNPKO', *International Relations*, Vol. 22, No. 1, 2008, pp. 45-63.

⁴⁸ Xia Liping, 'China: A Responsible Great Power', *Journal of Contemporary China*, Vol. 10, No. 26, 2001, pp. 17-25; Zheng Bijian, "China's 'Peaceful Rise' to Great-Power Status", *Foreign Affairs*, Vol. 84, 2005, pp. 18-24; Jia Qingguo. 'Learning to Live with the Hegemon: Evolution of China's Policy Toward the US Since the End of the Cold War', *Journal of Contemporary China*, Vol. 14, No. 44, August 2005, pp. 395-407; Yu Xintian. 'Understanding the Preventing New Conflicts and Wars: China's Peaceful Rise as a Strategic Choice', *Global Change, Peace and Security*, Vol.17, No. 3, October 2005, pp.279-290.

⁴⁹ Some of the examples include Hongying Wang, 'National Image Building and Chinese Foreign Policy', *China: An International Journal*, vol. 1, No. 1, March 2003, pp. 46-72; Li Zhengguo, *Guojia xingxiang goujian (The construction of national image)* (Beijing: zhongguo chuanmei daixue, 2006); Liu Jie ed. *Fu zeren daiguo di lujing xuanze (The way to be responsible power)* (Shanghai: shishi chubanshe, 2007); Li Anshan, 'Wei zhongguo zhengming: zhongguo de feizhou zhanlue yu guojia xingxiang (In Defence of China: China's African Strategy and State Image)', *Shijie jingji yu zhengzhi (World Economics and Politics)*, Vol. 4, 2008, pp. 6-15.

international assistance towards developing countries, especially in providing medical assistance to the African continent. As a result, with a growing aspiration to behave as a legitimate great power in the realm of global health governance, China tends to be compliant with the prevailing international order rather than posing any direct challenge to it.

In order to defuse the 'China threat' argument and to improve its standing in the international community, China has joined all major international treaties and organisations. This is to assure other members of the international society that China is a responsible and benign rising power.⁵⁰ It has exercised self-restraint in the use of its newly acquired power, as exemplified in settling border conflicts with Russia in 2004⁵¹ and in mitigating the South China Sea territorial conflict with other claimants by pledging energy cooperation. In domestic health governance, China has showed its determination to control and avert HIV/AIDS and abided by the international health regime, particularly in cooperation with various actors inside the country to protect its citizens from the epidemic. For example, since the government openly admitted the problem of HIV/AIDS, not only did it revise its Law on the Prevention and Control of Infectious Disease, it has also drawn in various actors, including state and non-state actors, to combat the disease. Its cooperative behaviour in relation to inter-governmental organisations, corporations, and NGOs working within the country has demonstrated its passive compliance with the existing health regime in providing its citizens public goods for health.

On the international front, in order to remedy its tarnished international reputation and to seek recognition from its ASEAN counterparts during and after the SARS outbreak, China was very proactive in participating in various 'ASEAN+3' special meetings on SARS in 2003. The most notable one took place at the end of April 2003 when the ASEAN member states, initiated by Singapore, held a meeting in Thailand to deliberate measures on containing the spread of SARS in the region. Initially China

⁵⁰ Rana Mitter, 'An Uneasy Engagement: Chinese Ideas of Global Order and Justice in Historical Perspective', in Rosemary Foot, John Gaddis, and Andrew Hurrell, eds. *Order and Justice in International Relations* (Oxford: Oxford University Press, 2003), pp. 207-235.

⁵¹ 'Russia Hails Settlement of Territorial Problem with China', *People's Daily Online*, 15 November 2004.

was excluded from the meeting. Just one week before it was convened, Thailand swiftly announced that Chinese Premier Wen Jiabao would be present at the summit.⁵² It was widely believed that China acted on its own initiative to ask for an opportunity to participate in the summit. During the meeting, China pledged to contribute 10 million yuan (US\$1.2 million) to a fund for China-ASEAN cooperation programmes set up for controlling SARS.⁵³ Following that, China attended various regional summits dealing with the avian-flu pandemic and also signed a joint statement with 13 Asia-Pacific countries in November 2004 to pledge to enhance co-operation in addressing the avian-flu crisis.⁵⁴ It seems that the SARS outbreak has had a positive impact on China's proactive participation in and deepening engagement with global health governance.

In summary, with conceding the existence and spread of the HIV/AIDS epidemic in 2001, China began to enlist the cooperation of a vast array of state and non-state actors. China has skilfully utilised multilateralism to gain access to international resources and technical assistance. Furthermore, its frequent interactions with United Nations agencies have triggered a learning process that has subsequently led it to securitise communicable diseases as a security threat. Globalisation has accelerated the movement of viruses and diseases across national boundaries. China's age-old practice of hiding domestic outbreaks of diseases has been severely criticised by the international community. International concerns about good governance, particularly after the Asian financial crisis of 1997-98, have put China under normative pressure to change tack. Obviously its maladministration of the SARS outbreak has exacerbated other countries' scepticism about China's responsibility to the international community. Wary of being ostracised by the international community, the Chinese government has consolidated its desire to seek cooperation with international society in regard to non-traditional security issues. In the wake of the SARS outbreak in 2003, China's participation in global health governance has

⁵² 'ASEAN leaders may not invite Beijing', *The Nation (Thailand)*, 20 April 2003; and 'SARS – China not invited to ASEAN summit, but will be kept informed – Thailand', *Xinhua Financial Network News*, 21 April 2003. 'Chinese Premier to attend ASEAN SARS summit in Bangkok: Thailand', *Agence France-Presse*, 23 April 2003.

⁵³ Gang Bian, 'Asia Told: China Can Contain Virus', *China Daily*, 30 April 2003.

⁵⁴ 'Health chiefs vow to fight bird flu together', *Straits Times*, 27 November 2004.

therefore accelerated rapidly and become more proactive. Although the relative importance of the four factors discussed above are difficult to gauge, together they help to increase our understanding of China's behaviour in its health governance. However, there is no compelling evidence to support the claim that China's compliant behaviour results from an internalisation of the duty or obligation to global efforts to contain the spread of contagious diseases.

China's Preferences for World Order⁵⁵

According to the theory of power relations in international order presented earlier in Chapter 2, a sense of deprivation towards the dominant order on the part of the rising power will likely cause the dissatisfied rising power to use revolutionary foreign policy to challenge the status quo and the existing governing pattern. China's perceptions of the world order have shown 'a mixture of victimology and aggrandizement'⁵⁶ and as a result of these assorted feelings, its involvement in global health governance has also shown a contradiction between practice and rhetoric and ambivalence. What can China's response to HIV/AIDS tell us about its preferences for world order? As a rising economic and political power with a sense of deprivation towards the liberal international order, how and to what extent does China strive to overturn the dominant norms and values of the international relations? Or can the liberal democratic norms and values tame this rising power by socialising it into the normative order? How can we theorise China's increased participation in global health governance? Is it acting as a challenger, a maintainer, or a combination of both towards the existing international health regime?

To summarise the empirical studies about China's engagement with global health governance, an interesting finding of this research is that China can be regarded as both a system maintainer and a system challenger towards the international order. It depends on the benchmarks we use to gauge China's participation in the global health

⁵⁵ This section draws partly and elaborates on Lai-Ha Chan, Pak K. Lee and Gerald Chan, 'Rethinking Global Governance: A China Model in the Making?', *Contemporary Politics*, Vol. 14, No.1, 2008, pp.3-19.

⁵⁶ Rana Mitter (2003), p. 221.

regime. If one uses the state-centric Cold War order as the benchmark, China is a status quo power because of its preference for a Westphalian model of governance. One can also argue that the Chinese use the Westphalian model to challenge US hegemony and the evolving liberal international order. If one adopts the solidarist post-Cold War liberal international order as the benchmark for discussing who wants to maintain or transform the world order, then, China is a revisionist.⁵⁷ It is not a stakeholder in or a co-guardian of the US-led liberal international order but rather it is supporting a transformation of the liberal order with a desire to revert to the old Westphalian model.

Overall, China's participation in global governance is shaped and premised upon two principles, namely to acquire great power status by integration into the global community and to maintain its own state identity and equality with major powers in the West.⁵⁸ On the one hand, it is at pains to preserve the Westphalian principles of national sovereignty and non-intervention to assert its national rights not to conform to the liberal Western norms and values, which it does not believe to be universal.⁵⁹ On the other, with increased participation in global governance, it finds it imperative to act in concert with other major powers in order to be acknowledged and respected as a 'responsible and legitimate' great power. The call for multilateral cooperation in a 'harmonious world' and the suggestion that there is no fixed universal blueprint for development can be viewed as a twin strategy for China first to boost cooperation and

⁵⁷ Robert Jervis explains why as a hegemon in the post-Cold War era, the United States seeks to change the rules of the world order rather than maintaining it as common sense tends to believe. See 'The Remaking of a Unipolar World,' *The Washington Quarterly*, Vol. 29, No. 3, Summer 2006, pp. 7-19.

⁵⁸ Jeremy Paltiel asserts that "the political process of 'socialization' involves patterns of *conscious resistance* to preserve distinctive identities and patterns of *normative convergence* to seek access to the 'status' of a sovereign power" (emphasis added). See Jeremy T. Paltiel, *The Empire's New Clothes: Cultural Particularism and Universal Value in China's Quest for Global Status* (Basingstoke: Palgrave Macmillan, 2007), p. 8.

⁵⁹ For a study which argues that Chinese elites reject democratic governance as a global norm, see Daniel C. Lynch, 'Envisioning China's Political Future: Elite Responses to Democracy as a Global Constitutive Norm,' *International Studies Quarterly*, Vol. 51, No. 3, September 2007, pp. 701-722. Chinese International Relations specialists reject the notion that China's ascendancy is unachievable without socialisation into the US-led global norms and rules. Paltiel, *The Empire's New Clothes*, p. 234.

reduce tensions with the more advanced industrialised world, and second to shore up the principles of national sovereignty and non-intervention as well as strengthen ties with Third World countries so as to consolidate a normative and political bulwark against the liberal democratic values on the world stage.⁶⁰ However, evidence below shows that China's normative power is far from complete.

Multilateral Cooperation in a Pluralist 'Harmonious World'

China began to adopt the idea of sovereignty and the notion of non-intervention in internal affairs from the West after being forcibly brought into the international system in the late 19th Century. Since then, China has become one of the staunchest supporters of Westphalian norms of international relations. Ironically, after China began to re-integrate itself into the international system in the late 1970s, the international normative structure has shifted from a purely state-centric system towards the present one that emphasises the state's responsibility to protect its own citizens or risk humanitarian intervention. The notion of 'good international citizens' has been espoused as a post-Westphalian sovereignty norm.⁶¹ Under the constraints of two competing normative political cultures, China's position among its peers at the world stage is rather peculiar. Chen Zhimin, a Chinese scholar, has precisely pointed out that China as 'a Lockean state in a partially Kantian world ... is under the challenge from the post-sovereignty norms, which require China to give up some of its sovereignty as the price of global integration'.⁶²

⁶⁰ This is close to Rosemary Foot's arguments that 'China is caught between the need, on the one hand to build coalitions with states that reinforce an identity it has been trying to shed and, on the other, a desire to embrace the norms articulated by the most powerful states and influential international organisations in the global system.' See Foot, 'Chinese Power and the Idea of a Responsible State,' pp. 18-19.

⁶¹ Andrew Linklater, 'Citizenship and Sovereignty in the Post-Westphalian State', *European Journal of International Relations*, Vol. 2, No. 1, 1996, pp. 77-103; and idem, 'What is a Good International Citizen?', in Paul Keal (ed), *Ethics and Foreign Policy* (Sydney: Allen and Unwin, 1992), pp. 21-43.

⁶² The core elements of the Lockean culture include the notion equal sovereignty and the principle of non-intervention in internal affairs. On the other hand, Kantian culture emphasizes a collective security and the post-sovereignty norms. See Chen Zhimin, 'Soft Balancing and Reciprocal Engagement; International Structures and China's Foreign Policy Choices', in David Zweig and Chen Zhimin (eds.),

As a result of the historical legacy of more than 100 years' humiliation at the hands of foreign powers, concerns over infringement on national sovereignty have inevitably become a salient feature in China's post-1949 foreign policy. China has explicitly expressed its dissatisfaction with the liberal international order. However, in order to reap the benefit of globalisation and to deflect harsh criticism from the international community, China is focusing more on gaining credibility with institutions of global governance than on challenging the power relations as well as the core values underpinning the workings of the institutions. Under the influence of the 'new security concept', advocated by Chinese leaders since 1996, Beijing has put great emphasis on multilateral engagement in dealing with transnational affairs and improving its relations with other major powers. China has accordingly demonstrated a strong preference for multilateral cooperation and mutual engagement with great powers. It uses the approaches of 'dialogues, consultations and cooperation'⁶³ in its participation in global governance in order to carve out some international space for itself and to fend off attacks by the liberal normative structure. This multilateral approach even serves to safeguard itself from the encroachment of US values and its recent unilateralism and to compete with Washington in good image building.

Simply because China is perceived as a major beneficiary of the international system, its support for the 'pariah' regimes, such as the Sudanese, Zimbabwean and Burmese governments, regardless of their dire human rights record, has often been criticised by the US, the European Union and international human rights activists. For example, Nicholas Kristof of the *New York Times* strongly lashes out at China for its arms supplies to and its unwillingness on imposing sanctions on the Sudanese authorities. To Kristof, China is 'underwriting its second genocide in three decades' with the first being in Pol Pot's Cambodia.⁶⁴ In 2007, once again, China got the blame for failing to use its leverage on the military junta in Burma to stop the crackdown on the country's

China's Reforms and International Political Economy (London and New York: Routledge, 2007), p. 54.

⁶³ Cai Tuo, 'Global Governance: the Chinese Angle of View and Practice', *Social Sciences in China*, Vol. 25, No. 2, 2004, p. 57.

⁶⁴ Nicholas D. Kristof, 'China and Sudan, Blood and Oil', *New York Times*, 23 April 2006.

pro-democracy movement. In the midst of the post-election violence in Zimbabwe in early 2008, China's shipment of 77 tons of weapons and ammunition to the Mugabe regime has further added fuel to the claim of 'an irresponsible China'.⁶⁵

To nudge China into being more cooperative with the West in the international society, the US has called on China to be a 'responsible stakeholder' – to take up its responsibility for the global community based on a solidarist concept and to be a guardian of the current US-led international order. Robert Zoellick, then Deputy Secretary of the States of the United States, stated:

We now need to encourage China to become a responsible stakeholder in the international system. As a responsible stakeholder, China would be more than just a member – it would work with us [the United States] to sustain the international system that has enabled its success.⁶⁶

⁶⁵ 'Neither Prudent nor Responsible: China's Arms Shipments to Zimbabwe and Sudan', *Human Rights First*, available at <http://www.stoparmstosudan.org/pages.asp?id=27> (accessed 17 June 2008).

⁶⁶ In September 2005, the US Deputy Secretary of State Robert Zoellick used the term 'stakeholder' seven times in his speech on Sino-US relations and said that China should act as a 'responsible stakeholder'. See Robert Zoellick's speech entitled 'Whither China: From Membership to Responsibility?' at the National Committee on US-China Relations on 21 September 2005. The full text is available at <http://usinfo.state.gov/dhr/Archive/2005/Sep/22-188459.html> (accessed 6 June 2008). Again in January 2006 at a press roundtable in Japan, Zoellick further elaborated the concept of 'stakeholder' and said that 'I was urging it [China] to play a role as a responsible stakeholder in the international system that had benefited it a great deal'. See Robert Zoellick, 'Press Roundtable in Japan', The US Department of State, 23 January 2006; available at <http://www.state.gov/s/d/former/zoellick/rem/2006/59605.htm> (accessed 26 July 2008). Zoellick's notion triggered immediate discussions in China about the meaning of 'stakeholder'. The Chinese found it hard to translate the word into Chinese. They wondered whether the US asked them to remain as a 'status quo' power, which would mean to them being a guardian of the existing US-led international order, or whether China should take greater responsibility for international affairs. See Glenn Kessler, 'Bush-Hu Meeting to Highlight Role that China Plays', *Washington Post*, 20 April 2006; Lin Fengchun, "Fu xi? Huo xi? 'zhongguo zeren lun' jiedu (Good fortune? Bad fortune? - Explanation on the idea of 'China's responsibility')", *Shehui guancha (Social Observer)*, Vol. 4, 2006, pp. 43-45; and Liu Ming, "Zhong mei guanxi: chongxin jiedu 'liyi xiangguan zhe' (Sino-US relations: look afresh the meaning of 'responsible stakeholder')", *Liao wang dongfang zhoukan (Oriental Outlook)*, 23 February 2006, pp. 66-69.

Obviously by prodding China into a responsible stakeholder role, the US wants China to cease playing the passive role of a free-rider in the global community and instead ought to take up more responsibility for the international society of which China is a major stakeholder. In response to the US request for China to play a new role in the world, Hu Jintao, the Chinese president, told the media in his visit to Washington in April 2006 that ‘China and the United States are not only stakeholders, but they should also be constructive partners – be parties of constructive cooperation’.⁶⁷ Both countries should use multilateralism to solve international issues. If one deciphers Hu’s message carefully, one will find is that the word ‘responsible’ is missing in his sentence; instead he gives more emphasis to the word ‘constructive’.⁶⁸ A subtle message from Hu is that all states should engage in constructive cooperation to address the pressing global issues. While the US assumes that there is a set framework – ‘good governance’ – for national development, the Chinese tend to view that there exists no universally applicable model of development. A constructive way to help the development of the developing world is rather to let Third World countries find their own ways of development in accordance with their national circumstances and pre-conditions. Obviously both governments’ perception of world order is different. While one assumes the presence of a widely applicable set model, the other emphasises multiple roads to development. In addition, their understandings of the word ‘responsible/responsibility’ are not identical either. While China tends to view ‘responsibility’ on the global stage as respecting the principles of sovereignty and non-intervention in domestic affairs of other states and eschewing hegemony (i.e. opposition to imposing one’s will on others), the US pays more attention to the universal appeals of ‘good governance’, human rights and the associated notion of responsibility to protect. It appears that Beijing does not want to adopt the criteria of a ‘responsible’ stakeholder laid down by Washington and to be a co-guardian of the existing US-led international order.

Since the turn of this century, the call for China to be ‘a responsible power’ towards the liberal international order is on the increase, although China has started to use a multilateral approach to deal with transnational affairs. In line with its understanding

⁶⁷ Glenn Kessler, ‘US, China Stand Together but Are Not Equal’, *Washington Post*, 21 April 2006.

⁶⁸ See Glenn Kessler, ‘US, China Stand Together but Are Not Equal’, *Washington Post*, 21 April 2006.

of national sovereignty, China formulates the mantra of a ‘harmonious world’ (*hexie shijie*) which both upholds the principle of non-intervention and stresses the predominant role of the state in governance as a way to defend itself on the global stage. ‘Harmonious society’ is Hu Jintao’s new vision for both his nation and the world. In the Fourth Plenum of the 16th CCP Central Committee, held in Beijing in September 2004, Chinese leaders proposed to build a ‘harmonious socialist society’ in China. In the United Nations 60th Anniversary Summit in New York in September 2005, Hu Jintao further elaborated that a ‘harmonious world’ is to be built on a world composed of sovereign nation-states that respect a plurality and diversity of cultures, ideologies and politico-economic systems and handle their relations on the basis of ‘respect for sovereignty and territorial integrity, as well as respect for countries’ right to independently choose their own social systems and paths of development’.⁶⁹ Since then, Chinese scholars have expounded their views on the concept of a ‘harmonious world’ at great length.⁷⁰ It is said that the notion represents China’s overall goal and theory of global governance.⁷¹ Based on the official doctrine, Lu Xiaohong of China Foreign Affairs University and Yu Keping of the CCP Central Compilation and Translation Bureau give further details about the Chinese perspective on global governance and the interrelationship between a harmonious world and global

⁶⁹ Hu Jintao, ‘Building towards a Harmonious World of Lasting Peace and Common Prosperity’ (Speech Delivered at the High-Level Plenary Meeting of the United Nations 60th Session, New York, 15 September 2005); available at <http://lb2.mofcom.gov.cn/aarticle/chinanews/200511/20051100766746.html> (accessed 2 June 2008).

⁷⁰ See Tang Guanghong, ‘Shijie duoyangxing yu Zhongguo waijiao xinlinian (The diversity of the world and new ideas of China's diplomacy).’ *Guoji wenti yanjiu (Research on International Issues)*, Vol. 5, 2005, pp. 22-27; Wang Yusheng and Yin Chengde, “Guanyu ‘goujian hexie shijie’ de jidian sikao (Several thoughts on ‘constructing a harmonious world’)”, *Guoji wenti yanjiu (Research on International Issues)*, Vol. 4, 2006, pp. 1-4 & 23.

⁷¹ Lu Xiaohong, “‘Hexie shijie’: zhongguo de quanqiu zhili lilun (A ‘harmonious world’: China’s global governance theory)”, *Waijiao Pinglun (Foreign Affairs Review)*, December 2006, pp. 63-68; Pang Zhongying, ‘Guanyu Zhongguo de quanqiu zhili yanjiu (On the research on global governance in China)’, in Pang Zhongying, ed. *Zhongguo xuezhe kan shijie 8: quanqiu zhili juan (World Politics – Views from China, Vol. 8, Global Governance)* (Hong Kong: Heping tushu youxian gongsi, 2006), pp. xvii-xxx; and Yu Keping, ‘hexie shijie yu quanqiu zhili (A harmonious world and global governance)’, *Zhonggong tianjin shiwei dangxiao xuebao (Journal of the CCP Tianjin Municipal Party School)*, No. 2, 2007, pp. 5-10.

governance. For them, the principal actors in global governance are nation-states and the United Nations.⁷²

A decoding of the Chinese explanatory notes of a harmonious world and its theory on global governance reveals that the idea of a harmonious world shares the same logic as the Westphalian international system. China's advocacy for strengthening the United Nations-based multilateralism and constructing a harmonious world is obviously targeted at the hegemonic role of the US and its mission to transform the prevailing Westphalian international system into a self-proclaimed 'more peaceful' world based on the solidarist values of liberty, human rights and democracy. In other words, China would like to maintain the Westphalian international system rather than following democratic countries' footsteps to transform the international order into a post-Westphalian one. IR theorists may find that the Chinese notion of the international order bears a striking resemblance to the English School's pluralist conception of international society, in which sovereign states, the principal actors in the international society, aim to achieve a minimal degree of order in spite of the fact that they hold varying conceptions of human rights and global justice.⁷³ Therefore, for Chinese leaders the primary goal of building a harmonious world is to safeguard the principles of sovereignty and non-intervention in domestic politics as well as China's endowed right to choose its own path to development.

With a suggestion of such a pluralist harmonious world, the Chinese government put further emphasis on multilateral cooperation in dealing with adverse global issues while insisting on the Westphalian notion of sovereignty and non-intervention. In the

⁷² Lu, Xiaohong, "'Hexie shijie': Zhongguo de quanqiu zhili lilun ('harmonious world': China's global governance theory)." *Waijiao Pinglun* (Foreign Affairs Review), December 2006, pp. 63-68; and Yu Keping, 'Hexie shijie yu quanqiu zhili (A harmonious world and global governance)', *Zhonggong Tianjin Shiwei dangxiao xuebao* (Journal of the CCP Tianjin Municipal Party School), No. 2, 2007, pp. 5-10.

⁷³ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 3rd edition (Houndmills, Basingstoke: Palgrave Macmillan, 2002); and Andrew Linklater, 'The English School', in Scott Burchill et al., *Theories of International Relations*, 3rd edition (Basingstoke: Palgrave Macmillan, 2005), pp. 84-109; Andre Linklater and Hidemi Suganami, *The English School of International Relations* (Cambridge: Cambridge University Press, 2006), pp. 59-68.

area of public health, as evidenced by the empirical studies on China's response to HIV/AIDS in the previous chapters, China is using a multilateral approach to tackling the epidemic. Domestically China has shown its dogged determination to combat the HIV/AIDS epidemic since 2001. It has drawn multiple actors into the country and acted in concert with them. On the international front, Beijing has also tried hard to contribute to resolving the transnational problem. It has not only proactively participated in international and regional fora but also provided African countries with assistance in their fight against the HIV/AIDS crisis. It is now more proactive in fulfilling a more prominent role in various international institutions, particularly the World Health Organisation.

In a nutshell, it has gradually integrated itself into the global health regime and has taken up greater responsibilities for the provision of global public goods for health. Overall, its active participation and cooperation in providing the public goods has made a profound impact on regional as well as international security. Seen from this perspective, China is acting more as a status quo power without wrecking the international system. However, one has to note that this assessment is made against the Cold War order or the English School's pluralist conception of international society. The notion of a harmonious world, particularly as regards its conception of national sovereignty and the principle of non-intervention into domestic affairs, does not harmonise with the evolving liberal international order.

If we zoom in on China's multilateral cooperation, it is obvious that sovereignty still forms the cornerstone of world politics in the Chinese mindset. Any act to infringe on its national sovereignty is perceived to be non-negotiable. As a result, China's participation in global health governance has been focused on inter-governmental organisations. Its tolerance towards the activities of NGOs inside China is frustrating. As illustrated in Chapter 4, the involvement of civil society organisations in the domestic campaign to combat the AIDS disease is conditional. As soon as the government perceives that those activities would attenuate its absolute control over the society and threaten the supreme authority of the CCP, China would show no mercy for NGOs and AIDS activists and tighten its control over them. In addition, it refuses to let its domestic NGOs and AIDS activists establish direct links with their counterparts overseas. As a result, NGOs and AIDS activists, particularly those with

international contacts, such as Gao Yaojie, Wan Yanhai, Hu Jia and Zeng Jinyan, continue facing detention and harassment by local authorities.

The crux of the matter is that all non-state actors who deal with the HIV/AIDS issue in China have to rally around and are subordinate to the state and state behaviour. In order to exclude unsolicited external authority from its domestic policymaking process, China persists in adopting a state-led multilateral approach to HIV/AIDS. Therefore, it makes more sense to describe China's health governance as 'state-led health governance'. The state is always in the driving seat to steer the country. As mentioned in Chapter 2, those who uphold the state-centric worldview insist that globalisation has not undermined the state's sovereign authority. States do not loosen their grip on the steering wheel and retain substantial capacities to govern their domestic affairs and global activities. For example, Stephen Krasner takes the view that the norm of Westphalian sovereignty has since its inception been routinely compromised but their compromising of sovereignty acts allows them to bargain for better policy options.⁷⁴ Anne-Marie Slaughter also holds the view that under the globe-spanning networks, states are still acting as the primary, if not the sole, player in the web of the transgovernmental system. The power shift is not a zero-sum game, as she contends that 'a gain in power by non-state actors does not necessarily translate into a loss of power for the state'.⁷⁵

Although Allen Carlson skilfully disaggregates the traditional understanding of sovereignty into four categories and claims that China is now more flexible in dealing with economic sovereignty and sovereign authority, he does not deny that China's stance in the area of territorial and jurisdictional sovereignties (the areas to which the conventional understanding has traditionally been applied) continues to be monolithic

⁷⁴ Stephen D. Krasner, 'Sharing Sovereignty: New Institutions for Collapsed and Failing States', *International Security*, Vol. 29, No. 2, 2004, p. 98.

⁷⁵ Anne-Marie Slaughter, 'The Real New World Order', *Foreign Affairs*, Vol. 76, No. 5, 1997, pp. 183-197; the quote is from p. 184; idem, 'disaggregated Sovereignty: Towards the Public Accountability of Global Government Networks', *Government and Opposition*, Vol. 39, No. 2, Spring 2004, pp. 159-190; and idem, *A New World Order* (Princeton and Oxford: Princeton University Press, 2004).

and unyielding.⁷⁶ Throughout the history of the PRC, national unity and stability are of the utmost importance to the Chinese leaders. Mao's handling of Sino-Soviet armed border conflicts in 1969, Deng's crackdown on pro-democracy movement in Tiananmen in 1989, Jiang's missile tests and military exercises during Taiwan's first presidential election by universal suffrage in 1996, and Hu's reaction to Tibetan unrest in 2008, have demonstrated Chinese leaders' uncompromising stance on territorial integrity and national sovereignty. Therefore, the suggestion of a pluralist harmonious world and multilateral engagement can be seen as the central planks of Beijing's defensive strategy to respond to the liberal values in a partially Kantian world in its involvement in global governance. With increased multilateral cooperation China hopes that it can escape severe censure from developed countries as well as persuade them that China is acting responsibly as a full participant in international society.

Soft Balancing the Liberal International Order

Through the lens of public health, this research shows that China has gone to great lengths to avoid any outright confrontation with the US, although rhetorically it strongly disagrees with the liberal international order and has called for a 'democratization' of international relations.⁷⁷ However, can one hence conclude that China only aspires to be a follower of the US-led international order? Although China has never attempted head-on challenge against the US and core interests in its participation in global governance, a carefully crafted soft balancing act has instead been used to counter the liberal international order. In the words of Robert Pape, soft balancing means using 'nonmilitary tools', such as international institutions, economic statecraft, and strict interpretations of neutrality, 'to delay, frustrate, and

⁷⁶ Allen Carlson disaggregates the traditional understanding of sovereignty into four categories: territorial sovereignty, jurisdictional sovereignty, sovereign authority, and economic sovereignty. See Allen Carlson, *Unifying China, Integrating with the World: Securing Chinese Sovereignty in the Reform Era* (Stanford, CA: Stanford University Press, 2005).

⁷⁷ Shi Yinhong, 'The Rising China: Essential disposition, Secular Grand Strategy, and Current Prime Problems', (Sasakawa Peace Foundation USA Seminar Program, 12 February 2002), pp. 7-8, available at <http://www.spfusa.org/Program/av2001/feb1202.pdf> (accessed on 3 April 2006).

undermine' the hegemony's aggressive foreign policies.⁷⁸ From China's perspective, this soft balancing includes the aforementioned promotion of multilateral cooperation in a pluralist harmonious world and the following assertion of the right for states to choose their own paths to development. While this soft balancing works as a defensive strategy to respond to the solidarist values of liberty, it simultaneously acts as a fortress to defend its stance on national sovereignty and to stem the liberal democracies from dominating the international system. More importantly, by emphasizing that there is no universal blueprint for development, Beijing has extended its normative influence to developing countries. Using Robert Cox's arguments on *Production, Power, and World Order*, as illustrated in Chapter 2, an issue that could have far-reaching effects on global governance is whether China will use its new-found economic and diplomatic clout to proactively promote its development model to the developing world, extend its normative influence there and create a nonliberal order in the Third World that is at odds with the liberal international order.

In 2004, Joshua Cooper Ramo summarised China's success as the 'Beijing Consensus' and frequently compared it with the Washington Consensus.⁷⁹ According to Ramo, the Beijing Consensus is characterised by three features: economic growth is led by innovations; development has to be balanced and sustainable; and more importantly, China's path to development is a quest for self-determination, without copying blueprints for economic development from any countries. Ramo's description about China's development is very encouraging and is supposedly welcomed by the Chinese audiences.

However, probably much to Ramo's surprise, the term 'Beijing Consensus' does not acquire widespread approval and accord in China. In order to avoid a frontal attack on and a direct challenge to Washington, Beijing has reservation in using the term 'Beijing Consensus'. Chinese scholars disagree with Ramo over the use of the term 'consensus' to sum up China's experience. They argue that consensus is normally

⁷⁸ Robert A. Pape, 'Soft Balancing Against the United States', *International Security*, Vol. 30, No. 1, Summer 2005, pp. 7-45. The quote is from p. 10.

⁷⁹ Joshua Cooper Ramo, *The Beijing Consensus* (London: Foreign Policy Centre, 2004).

understood as an ‘ideal model’ which other states can recognize and adopt. Instead of Beijing Consensus, ‘China model’ is preferred in the discourse among Chinese leaders and scholars.⁸⁰ They argue that the China model would tell others about China’s experience for development but emphasises that the China model is not a universal model. The essential element of this ‘China model’ is that states should choose their own paths to development according to their national circumstances and pre-conditions. Over the past three decades, China has developed its own development trajectory, as epitomised by the notion of ‘socialist modernisation with Chinese characteristics’ since the 1980s. However, this can only be claimed as a strategic policy for development or ‘a model for governance’ under the opportunities and challenges of globalisation presented to China. Other countries might use China’s experience for reference in their quest for development paths appropriate to them, but the China model ought not to be treated as a consensus or universal blueprint for others to copy.⁸¹ Nevertheless, in some way, the Chinese resonate with Ramo by putting emphasis on the claims that the state should play a predominant role in reform and development and that there should not be any grand blueprint for development imposed by external actors from above.⁸²

⁸⁰ From 2004 when Ramo coined the term to April 2007, 53 Chinese academic articles in total used the term ‘Beijing Consensus’ as their discussion topic according to the China Academic Journals Full-text Database. Huang Ping and Cui Zhiyuan edited a book on the same topic in 2005. See Huang and Cui (2005). In addition, a conference entitled ‘Zhongguo fazhan daolu guoji xueshu yantaohui’ (An International Academic Conference on the Path of China’s development) was held in Tianjin in 2005. Subsequently, based on the conference papers, one book was published by the Chinese Academy of Social Sciences’ press in 2006 (Yu et al 2006). Ironically, many Chinese scholars who were present in the conference expressed their reluctance or even refusal to use the term ‘Beijing Consensus’.

⁸¹ See the edited book by Yu Keping, Huang Ping, Xie Shuguang and Gao Jian (eds), *Zhongguo moshi yu ‘Beijing gongshi’: chaoyue ‘Huashengdun gongshi’ (China Model and the ‘Beijing Consensus’: Beyond the ‘Washington Consensus’)* (Beijing: Shehui kexue wenxian chubanshe, 2006); and especially the chapter by Yu Keping, ‘Zhongguo moshi: jingyan yu jianjie (China model: experience and lessons).’ In Yu Keping et al.: 11-20.

⁸² Zhao Xiao, “Zhongguo jingyan ji qi pushi yiyi - cong ‘Huashengdun’ gongshi dao ‘Beijing gongshi’ (China’s experience and its worldwide significance: from the ‘Washington Consensus’ to the ‘Beijing Consensus’).” *Wenhui bao* (Shanghai), 14 June 2004; and Zhang Youwen and Huang Renwei, 2005 *Zhongguo guoji diwei baogao (China’s International Status Report 2005)* (Beijing: Renmin chubanshe, 2005).

Following on from the idea of the *Beijing Consensus* and the succeeding notion of a China model, Chinese leaders began to realize the increasing importance of 'soft power' in world affairs. In early 2004 the CCP Central Committee promulgated the 'Opinions of the CCP Central Committee on Further Developing and Bringing about Flourishing Philosophy and Social Sciences'. In May of the same year, members of the CCP Politburo gathered to study the building of China's soft power in the context of the debates about the Central Committee document as well as the Beijing Consensus/China model.⁸³ Accordingly, the promotion of China's development model is argued to be a viable measure for China to build up its soft power. Keys to the China model are the values of economic development, social stability and harmony.⁸⁴ Treating the China model as a major component of its soft power, Beijing revived the Bandung spirit and resumed to make inroads into the developing world in a bid to win more friends and allies to counter the predominance of Washington. Against the background of rising criticisms of the Washington Consensus, the discourse on the China model serves to enhance the voice of the developing world in global affairs.

By emphasising the right of all states to choose their own paths to development while integrating themselves into the global polity and economy, China, on the one hand, rejects a liberal political order imposed from the outside, particularly from Washington, and on the other hand, tries to develop and exercise soft power in dealing with global issues that require multilateral cooperation as well as recruiting support from developing countries. Multilateralism becomes a tool for China to gain normative power in the international community. Much has been described about China's growing influence in Asia and the world. Some tend to gauge China's

⁸³ Yang Taoyuan, "Zhongguo tisheng ruan shili: 'Beijing gongshi' qudai 'Huashengdun gongshi' (China promotes soft power: replacing 'Washington Consensus' with 'Beijing consensus')." *Xinhuanet.com*, 13 June 2004; available at: http://news.xinhuanet.com/newscenter/2004-06/13/content_1522884.htm (accessed 3 June 2008).

⁸⁴ Chen Yugang, "Shilun quanqiu hua Beijing xia zhongguo ruanshili di guojiang (Discussing the construction of China's soft power under the background of globalisation)." *Guoji guan cha* (International Review), Vol. 2, 2007, pp. 36-42 & 59.

increasing soft power in the transformation of the dynamics of world politics.⁸⁵ Others relate China's improved soft power to America's declining image.⁸⁶ More recently, David Lampton uses a '3M' dimension – might, money and minds – to articulate China's rising power in three different faces. These '3M' dimensions represent China's military, economic and ideational power.⁸⁷ He argues that China's broad national strategy attaches great weight less to coercive power than to economic and ideational power. Although some dimensions of China's ideational power remain weak, he warns that Washington 'should not underestimate China's current and future capacities in this realm'.⁸⁸

Lampton's description of China's ideational power is broadly similar to Torbjørn Knutsen's normative power⁸⁹ or Joseph Nye's soft power – 'the ability to get what you want through attraction rather than coercion or payments'.⁹⁰ It is beyond dispute that an economically powerful China is looming. The case study of China-Africa relations has showed that China's might has already been extended to the normative dimension. Providing development assistance and global public goods for health to the sub-Saharan continent is one of the ways for China to acquire normative power.

⁸⁵ See David Shambaugh (ed.), *Power Shift: China and Asia's New Dynamics* (Berkeley and London: University of California Press, 2005); Joshua Kurlantzick, *Charm Offensive: How China's Soft Power is Transforming the World* (New Haven and London: Yale University Press, 2007); and 'China Lays on the Charm: the Soft Power of Hard Government', *Economist.com*, 8 November 2006.

⁸⁶ Naazneen Barma and Ely Ratner, 'China's Illiberal Challenge', *Democracy: A Journal of Idea*, Fall 2006; available at http://globetrotter.berkeley.edu/NewEra/pdfs/BarmaRatner_China2006.pdf (accessed 18 June 2008); Philip P. Pan, 'China's Improving Image Challenges US in Asia', *Washington Post*, 15 November 2003.

⁸⁷ Lampton's definition of ideational power is similar to Joseph Nye's 'soft power' – which rests on attraction – and Amitai Etzioni's 'normative power' – the capacity to motivate using ideas and social approval. However, ideational power is broader than both as it 'derives from the intellectual, cultural, spiritual, leadership, and legitimacy resources that enhance a nation's capacity to efficiently define and achieve national objectives'. See David Lampton, *The Three Faces of Chinese Power: Might, Money, and Minds* (Berkeley, CA: University of California Press, 2008), p. 118.

⁸⁸ David Lampton (2008), p.75 and p. 119.

⁸⁹ Torbjørn Knutsen, *The Rise and Fall of World Orders* (Manchester: Manchester University Press, 1999).

⁹⁰ Joseph S. Nye Jr., *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2004), p. 10.

For the leaders of the developing world, the attractiveness of China's soft power lies in its espousal of the doctrine of non-intervention in domestic affairs, the refusal to make offers of financial and technical aid – including health diplomacy – to Third World countries conditional on their adoption of governance reform and the expansion of commercial opportunities.⁹¹ With this China model, Beijing is flexing its muscles by constructing a foreign policy template to build up an architecture of global governance with Chinese characteristics and try to re-shape the rules of the game in global governance.

However, China's balancing acts are hindered by its limited soft power and the influence of liberal solidarist norms on the international community. Although Charles Kupchan argues that the George W. Bush administration's unilateralism and isolationism will inevitably lead the US to an uncertain future, he predicts that there is a potential that the world will return to dangerous great power rivalries because a unipolar world is unsustainable.⁹² China's rise takes place at the time when Washington's influence is widely believed to be in decline, particularly after its war in Iraq in 2003. China's ascendancy has caused worldwide concern and to that end, various think-tanks and research institutes have carried out opinion polls on China's soft power.⁹³ Evidence shows that Chinese soft power has its own limits. Although China's growing economic might is viewed positive in many countries and the country is now generally perceived as a great power on the world stage, an emergent

⁹¹ See Drew Thompson, "China's soft power in Africa: From the 'Beijing Consensus' to health diplomacy", *China Brief*, Vol. 5, No. 21, 13 October 2005.

⁹² Charles A. Kupchan argues that America's global leadership was sustained by its liberal international order, characterized by democratic governments and multilateral institutions worldwide. Unless the US adjusts its unilateral approach, it is unstoppable that the European Union and Japan will challenge its leadership. Charles A. Kupchan, *The End of the American Era: US Foreign Policy and the Geopolitics of the Twenty-first Century* (New York: Alfred A. Knopf, 2002).

⁹³ In the first half of 2008, at least three global opinion polls were published in regard to China's image and soft power. they include: *Asia Soft Power Survey 2008*, 'Soft Power in Asia: Results of a 2008 Multinational Survey of Public Opinion' (The Chicago Council of Global Affairs in partnership with East Asia Institute of South Korea, June 2008); *The Pew Global Attitudes Project*, 'Some Positive Signs for the US Image: Global Economic Bloom – China and India Notable Exceptions, 24-Nation Pew global Attitudes Survey' (Washington DC: The Pew Research Centre, 12 June 2008); and Harris opinion polls for the Financial Times published on 14 April 2008.

view from the opinion polls is that it is still not yet recognized as a global multi-faceted power and its soft power is far from complete.⁹⁴

For instance, a study by the Chicago Council on Global Affairs and the East Asia Institute of South Korea in early 2008 showed that China's soft power is still far behind the United States in Asia. Even with its benign neighbourly policy, China still cannot win the hearts and minds of people in the region.⁹⁵ Similarly, the survey by Pew Global Attitudes Project conducted in 24 countries worldwide between March and April 2008 indicated that the US image universally outshines China's. China's growing admirable economic might notwithstanding, it is widely viewed as not respecting human rights and ignoring the interests of other states.⁹⁶ The Chinese government can at best earn normative power among the ruling elites of developing countries. Closely related to the 'China threat' argument, a typical example which shows the limits of Chinese 'soft power' is its tarnished international image, reinforced by its dismal human-rights record and its close relationship with Sudan and other 'pariah' states.

China's reputation is further damaged by the Tibetan unrest. The survey by Harris and the *Financial Times*, conducted between 27 March and 8 April 2008, shortly after the outbreak of violence in Tibet and during the early stages of the controversial Olympic torch relay, shows that China has overtaken the US as the biggest threat to global stability in the eyes of five European countries (Italy, France, Germany, Spain and the UK). Although economic competition from China is one of the contributing factors, more importantly many news stories about China in the first half of 2008 have been

⁹⁴ For a similar study about the limits of China's soft power, see Yanzhong Huang and Sheng Ding, 'Dragon's Underbelly: An Analysis of China's Soft Power', *East Asia: An International Journal*, Vol. 23, No. 4, Winter 2006, pp. 22-44.

⁹⁵ *Asia Soft Power Survey 2008*, 'Soft Power in Asia: Results of a 2008 Multinational Survey of Public Opinion' (The Chicago Council of Global Affairs in partnership with East Asia Institute of South Korea, June 2008); the report is available at http://www.thechicagocouncil.org/dynamic_page.php?id=75 (accessed 18 June 2008).

⁹⁶ The Pew Research Centre, *The Pew Global Attitudes Project: 24-Nation Pew global Attitudes Survey* (Washington D.C.: The Pew Research Centre, 12 June 2008), p. 6; available at <http://pewglobal.org/reports/pdf/260.pdf> (access 17 June 2008).

about China's notorious role in Darfur and in Tibet.⁹⁷ Following the withdrawal of Steven Spielberg, a renowned Hollywood film director, from the post of artistic advisor to the 2008 Olympic Games in Beijing due to his disapproval of Beijing's unwillingness to use its leverage on Sudan to make peace in Darfur,⁹⁸ European leaders, such as the French president Nicolas Sarkozy, also threatened to boycott the Beijing Olympics in order to put pressure on China over the Tibet issue.⁹⁹ With this 'tattered' image among developed countries, even when China was suffering from the earthquake in Sichuan in May 2008, some pro-Tibetans in the West shrug off their shoulders. Sharon Stone, a Hollywood celebrity, likened the Sichuan natural catastrophe to a 'bad Karma' for China's policy in Tibet.¹⁰⁰

Liu Guijin, the Chinese envoy to Darfur, openly criticised the Western media and some human rights NGOs for distorting China's role in Sudan and hence, stirring up anti-Chinese feelings among Western countries as well as the opposition groups in African countries.¹⁰¹ Nevertheless, China's concern over sovereignty and its policies towards 'rogue states' and the alleged human rights abuses in Tibet are not compatible with the democratic values of liberal international order. The recent controversial Olympic torch relays have further adversely affected China's global image and questioned the legitimacy of China as a respectable rising power. George Friedman states that China's 'public relations strategy is collapsing' in regard to its Olympic dream – a dream of cohesion and progress. The recent riots in Tibet have

⁹⁷ Ben Hall and Geoff Dyer, 'China Seen as Biggest Threat to Stability', *Financial Times*, 15 April 2008.

⁹⁸ William Booth and Michael Abramowitz, 'Spielberg Quits Role in Olympic Ceremonies: Director Cites Chinese Support of Sudan', *Washington Post*, 13 February 2008; and 'Spielberg in Darfur Snub to China', *BBC News*, 13 February 2008.

⁹⁹ 'Sarkozy Threatens boycott of Beijing Olympic Games Opening Ceremony', *Times Online*, 26 March 2008; available at <http://www.timesonline.co.uk/tol/news/world/europe/article3620417.ece> (accessed 13 June 2008).

¹⁰⁰ Sharon Stone's full comments on the earthquake in Sichuan can be viewed at You Tube; available at <http://you.video.sina.com.cn/b/13845210-1062762264.html> (accessed 29 June 2008). Also see Geoff Dyer, 'Quake Blunder is Bad Karma for Dior', *Financial Times*, 28 May 2008.

¹⁰¹ 'Envoy Accuses West of Stirring Trouble for China in Darfur', *International Herald Tribune*, 26 June 2008.

already destroyed that image.¹⁰² In the realm of public health, the recent food and drug safety problems, the SARS outbreak and bird flu all have a similar collective adverse effect on China's 'responsible' image. Perhaps the Chinese leadership is well aware of its position on the world stage and the limits of its soft power. To that end, it has never gone beyond soft balancing to confront US vital interests directly, or launched any robust balancing against the liberal international order.

Within the WTO, in particular in the case of the TRIPS agreement on drug patents, China is behaving as a follower or as a system maintainer in the liberal international order. It fails to present a role model for other developing countries to follow in treating HIV/AIDS and is also loath to play a leadership role in supplying public goods for health. It has been discussed in Chapter 5, although China harbours deep resentment against 'US-style patent law', the Chinese government has largely complied with the rules of the intellectual property rights. As a result, China's stance on antiretroviral drug patent leads it to run the risk of alienating the developing world. It pays lip service to developing countries, but is not proactively playing a leadership role in the coalition of G20 in spite of the self claim that it is the largest developing country in the world and that it would ally itself with all Third World countries on 'the establishment of an equitable and just new international political and economic order'.¹⁰³ Overall, China contributes little to the expansion of the access to affordable antiretroviral therapy for HIV/AIDS to the people living in the African continent. In short, while China does not feel overtly comfortable with the liberal international order, it has limited hard and soft power to transform it at its will.

The election of Margaret Chan as the Director-General of the World Health Organization in 2006 has showed that China is not complacent about merely acting as a passive follower of the liberal international order and is striving for a greater say in global health governance. It has been widely believed that Chan's success was largely

¹⁰² George Friedman, 'Chinese Geopolitics and the significance of Tibet', *Strategic Forecasting, Inc.*, 15 April 2008; available at http://www.stratfor.com/weekly/chinese_geopolitics_and_significance_tibet (accessed 16 April 2008).

¹⁰³ The quotation is excerpted from 'Full Text of President Jiang's Speech at Forum (1)', *Xinhua News Agency*, 10 October 2000.

due to Beijing's blessing and her appointment was seen as a diplomatic triumph both for her and for China.¹⁰⁴ One might wonder whether China is trying to garner its political clout within the UN health agency. However, there is no compelling evidence that China wants Margaret Chan to undertake any major policy reform in the organisation. Without a clear vision of reforming global health governance, China may just want to have a greater say in the health organisation, particularly in the agenda-setting process, after experiencing its prowess in the SARS outbreak in 2003. In addition, Taiwan is keen to join the World Health Assembly, the decision-making body of the WHO, as an observer. A Chinese at the helm of the institution will help China mobilise support among WHO member states against Taiwan's move. If Shigeru Omi, a Japanese candidate who had openly criticised China's maladministration at the beginning of SARS outbreak in 2002-2003 and was perceived as the strongest rival to Chan in the Director-General election campaign, had been elected the head of WHO, he would likely have been less sympathetic to China's political concern over its sovereignty.

In summary, if we ask: Would China be a revisionist power and replace the US as the leading power in the world? The answer is that it is less likely, at least in the foreseeable future. This research has provided ample evidence that China is keen to play a more active global role since the turn of this century. As demonstrated from previous chapters, China's diplomacy has moved from the stage of 'never claiming leadership, hiding capacity and biding time' [*jue bu dangtou; taoguang yanghui*] to the stage of seeking to play a more active role in global governance and global health governance. Public health is one of the areas and the first area for China to gain and exercise leverage in international institutions. However, this cooperative multilateralism is not predicated upon any clear normative and assertive idea of great power obligations to fight against social injustice in the world. Rather it can be seen as a moderately defensive strategy to counter international opprobrium of China's uncompromising stance on national sovereignty as well as its shirking of taking responsibility for providing global public goods for health and to reassert the traditional view of world order built on Westphalian sovereignty. Due to the limits of China's soft power on the world stage, Beijing can do little aside from softly

¹⁰⁴ Frank Ching, 'All Eyes on the Doctor', *South China Morning Post*, 14 November 2006.

balancing against the liberal international order. In the treatment of HIV/AIDS, China has mostly complied with the rules and norms embedded in the liberal international order, particularly in the areas where China can derive material benefits from greater participation. Although China is far from committing itself to working as a co-guardian of the liberal international order, it is less likely that it will pose any challenge to that order.

Conclusion

This chapter has first theorised the factors for China's changed stance in relations to its treatment of HIV/AIDS at the turn of the century and its subsequent increased participation in global health governance. The changes are driven both by necessity and conscious design. As a consequence of rational utilitarian calculations about how best to tackle the crisis, the embrace of multilateralism allows Beijing to gain access to international resources and technical assistance in combating the AIDS epidemic inside the country. The securitization of communicable diseases by UN agencies and China's frequent interactions with those institutions have subsequently triggered a learning process which led to the awareness of HIV/AIDS as a security threat. The third reason is international concerns about good governance in the era of globalisation, and China, as a rising economic power, was sharply criticised for not meeting the criteria of 'good governance' from the international community. To ward off heavy criticism and scepticism about China's responsibility to the international community, Chinese leaders have great aspirations to project an image of China as a 'responsible and legitimate' power. Since then, China has engaged with multilateralism in dealing with the HIV/AIDS epidemic and has showed its determination to control and avert HIV/AIDS by abiding by the international health regime.

However, while China has integrated itself into international society, its concern over the loss of national sovereignty and foreign encroachment on internal politics are not compatible with the prevailing cosmopolitan liberal democratic values. China is in an awkward situation among great powers in the world. Fears of international opprobrium and concerns over infringement of national sovereignty have forced China to use a dual-strategy in its engagement with global health governance, which

shows its preferences for the world order. First, in view of the changing norms of national sovereignty and roles of the nation-state in global governance, China promotes the notion of multilateral cooperation in a harmonious world which upholds the principle of non-intervention and stresses the predominant role of the state in governance. While agreeing that multiple actors are involved in global governance, Chinese leaders maintain that the principal one should always be nation-states and the United Nations.

Second, in order to carve out a hospitable international space for its development and countering the liberal international order, China is also using a soft balancing act to consolidate its soft power among developing countries. By emphasising that there is no universal blueprint for development and that states should have the right to choose their own individual development paths, China has started to garner soft power among the elites of developing countries. However, owing to the limits of its soft power and dented reputation arising from human rights violations, it is unlikely that China can harness considerable soft power by demonstrating that it can lead both the developed and developing worlds by example. China can only use soft balancing and minimum deterrence against the liberal democratic values. It has never resorted to robust balancing to confront US vital interests. China is acting more as a status quo power and follows the US-led liberal international order. In addition, China feels it expedient to play the role of a status quo power. It not only defeats the 'China threat' argument but also helps China to reap the benefits of globalisation for the continuation of its economic growth.

This chapter has demonstrated that as far as global health governance is concerned, China aspires to be but is not yet a great power. There are grounds for us to believe that the West's concern over China's 'assertive' engagement with the developing world, particularly Africa, is overblown. In the realm of public health, China has not shown that it possesses the power to lead it or influence the emerging international order. Desperate for earning recognition from the West, China has, so far, mostly complied with the international health regime in dealing with its AIDS problems as well as contributing to resolving Africa's AIDS crisis. Intense resentment against the 'US-style patent law' aside, China has largely complied with the rules of the intellectual property rights under WTO's TRIPS agreements. While lending vocal

support to developing countries, it has never assumed any leadership role to overturn the 'US-style patent law'. With an apparent lack of both socialisation into liberal norms and values and a global outlook for reordering global relations on the part of China, it is still uncertain in the long run whether China would strive to be a system-transformer of the liberal international order. What is certain is it does its utmost to avoid resorting to confrontational tactics in dealing with transnational issues which include global public health. China is content with a conservative posture that does not seek a fundamental revision of the international structure as long as its dream of regaining great power status on a par with other major powers is fulfilled.

Chapter 7 Conclusion

This study arose from China's puzzling engagement with global governance in general and with global health governance in particular. Two issues are at the forefront. First, conventional wisdom has claimed that China did not address its looming HIV/AIDS problem until the devastating SARS crisis of 2002-2003. China's response to its ailing public health governance is seen as a reactive rather than proactive action to a full-blown crisis. However, this research demonstrates that it was not the case. It finds that China's HIV/AIDS policy began to shift well before the shocking SARS outbreak, with June 2001 being the watershed moment of China's HIV/AIDS policy, when the central government openly admitted the problem of the pandemic inside the country. Hence, several questions have emerged: Why did the Chinese government initiate to tackle HIV/AIDS after covering it up for more than 15 years? Since then, why has it used a multilateral approach to deal with it? What is the nature of its multilateral approach? How does China's record of compliance or non-compliance with the international health regime reveal the reasons for and limitations of its participations in global governance?

Second, since the mid-1990s, China's policymakers and scholars alike have been at pains to stress that China will behave on the world stage as a responsible great power (*fu zeren de daguo*) or a responsible developing great power (*fu zeren de fazhan zhong daguo*) and that the established international order is biased against the legitimate interests of the developing world. This spurs discussions about how a 'responsible China' would treat its peers in the developing world. Considering that the pandemic has swept sub-Saharan Africa for years and that China has recently strengthened its political and economic relations with many states in the continent, this research uses Africa as a case study to investigate how China puts its rhetoric of acting as a 'responsible' great power into practice. To what extent is China willing and able to supply global public goods for health? The case study interestingly reveals that China has made limited contribution to tackling the spread of the disease in the continent and that it only pays lip service to the African call for extending the access of essential HIV/AIDS medicine to ailing patients. Therefore, this research aims at exploring and explicating this seemingly gap between words and deeds. A finding is

that China is on the horns of a dilemma of choosing between the need to capitalise on the present stable world order and the impulse to resent having to embrace the current unfair order. A question that naturally ensues from this is: What role will China, with its increasing power, play in the existing international order – a responsible stakeholder, a system-transformer, or a combination of the two?

The first contribution this study makes is about the nature of China's compliance and non-compliance with the international health regime. The second and more important contribution is how China's behaviour in the realm of public health reveals its aspiration for its role in the world order as well as its overall goal and theory of global governance and global health governance. In its participation in global health governance, China is acting strictly in accordance with its preference for the Westphalian notion of international order.

In concluding this study, this chapter will first summarise the principal findings and major arguments of this thesis and its contributions to China as well as International Relations scholarship. The final section of this chapter turns to suggestions about possible directions of further research on China's foreign relations and its integration into global governance.

Multilateral Engagement

Following its advocacy of 'a new security concept' in 1996, China has since the end of the last century gradually shifted to adopting a multilateral approach to tackling and governing global issues. Four factors have been formulated to account for China's changing governance on HIV/AIDS since the dawn of this century. The first cause is utilitarianism whereby China has utilised multilateralism to gain access to international resources and technical assistance. Second, its interaction with United Nations agencies has triggered a learning process which accordingly leads the Chinese government to construct the disease as an identifiable threat to the country. Third, international concerns about good governance, particularly after the Asian financial crisis of 1997-98, put China under normative pressure to change tack. Finally, it is also due to China's determination to burnish its international image as a 'responsible and legitimate' power in order to gain normative power in the

international community. While it is almost impossible to gauge the relative importance of these four factors, together they help us to understand the nature of China's compliance with the health regime.

As soon as the government acknowledged the problem of HIV/AIDS, it began swiftly to frame the epidemic as a global security issue and to ask for strengthening multilateral cooperation on combating the disease inside and beyond its borders. Through policy declaration and promulgation of legal regulations, the government not only aspires to provide its citizens with universal access to HIV treatment but also to guarantee under law the basic human rights of HIV/AIDS patients. In addition, it has been working with multiple actors, including UN agencies, INGOs, government-spanning networks, the private business sector as well as NGOs inside the country to combat the disease. This can be claimed as a ground-breaking approach for a Communist state which is one of the staunchest defenders of national sovereignty with a deep-seated and firm belief in the principle of non-intervention in the internal affairs of other states. On the international front, it has also demonstrated a strong preference for multilateral cooperation and mutual engagement to deal with the borderless infectious disease, and to gain credibility with institutions of global governance. It also extends the effort to fight the disease to the African continent.

Sine Qua Non of China's Engagement

Since the founding of the PRC, China's foreign policy has been distinguished by its ability to carve out an international space for its development and to fend off opprobrium by the more advanced industrialised world. Over the last decade, China has embraced multilateralism and gradually integrated itself into the world system. However, while this integration continues apace, China has never given up its values and principles in dealing with world affairs. As observed by Samuel Kim, a 'siege mentality' was reactivated as soon as the CCP began to experience internal and external legitimisation crises.¹ In answer to the changing norms in the West about national sovereignty and the role of the nation-state in global governance, and the rise

¹ Samuel S. Kim, 'Sovereignty in the Chinese Image of World Order', in Ronald St. John Macdonald, ed. *Essays in Honor of Wang Tieya* (Dordrecht: Martinus Nijhoff, 1993), pp. 425-445.

of the notion of ‘good governance’ for development, China resorts to the Westphalian notion of world order, notably the sanctity of the principle of non-intervention. In a nutshell, the sine qua non of China’s engagement lies in the principle of sovereign equality and territorial integrity. From the Chinese perspective, the doctrine of sovereignty and the principle of non-intervention still remain as prescriptive guiding rules for a peaceful international order. The blockage in the entry of the WHO assessment teams into China to investigate the source of SARS virus at the beginning of the SARS outbreak in 2003 and its political intervention to exclude Taiwan from the WHO membership have all exemplified China’s position on the principle of national sovereignty or the supreme power of the CCP over people and territory. In its response to HIV/AIDS, while the central government calls for and welcomes multiple actors in combating the disease inside its territory, a state-led multilateral approach is preserved. It brooks no tolerance of anyone or any activity that would attenuate its absolute control over the country or threaten the supreme authority of the CCP. As a result, the major feature of China’s multilateral cooperation in the realm of public health is that it *has to* be ‘state-led health governance’.

To that end, it is imperative for China to sustain a state-centric Westphalian world order which allows states to be in the driving seat to steer the activities within its borders. However, as a result of its socialisation into the Westphalian, *realpolitik* norms of international order, China is now at odds with the US when the latter endeavours to promote a value-based security community that imposes checks on national sovereignty. While China is at pains to maintain the Westphalian international order, the US behaves as a revisionist hegemon to mould new rules. Seen from this perspective, it would be China rather than the US that harbours a ‘Cold War mentality’ of the international order in perceiving the emerging global governance complex. As argued by Rosemary Foot, as soon as China began to be aware of the need to increase its integration into the international system, the criteria of membership in the club of the responsible states have been in the process of changing from pluralist concepts that emphasize respect for national sovereignty and

non-intervention in the internal affairs of other states to solidarist concepts that rest on notions of common values and democratic governance.²

One may argue that the debate as to whether China is a status quo power or a revisionist power misses a crucial point that at issue is not whether China would present any threat to the age-old, established Westphalian world order, but rather that China is opposed to the American ongoing campaign to create a new world order based on the solidarist values of individual sovereignty, liberal democracy and the preset framework of 'good governance' for development. Robert Jervis has argued that the US is not a conservative or status quo power, aiming at maintaining the existing international order. In contrast, the hegemon is using the power at its disposal to create a new world order. In other words, it is a revolutionary power.³ This view is echoed by Kishore Mahbubani who states that it is the US that 'decided to walk away from the post-war rule-based order it had created'.⁴ Nevertheless, due to divergent preferences between the two countries for the world order, tension between China and the US tends to escalate. China's determination to preserve a Cold War order is not compatible with the US intention to generate a new world order based on the Western values of freedom and democracy. To put it another way, even if China behaves as a status quo power, the US will still be not satisfied enough with China's behaviour because what Beijing goes to great lengths to preserve is no longer what Washington favours.

Growing economic interdependence and inequality of power capabilities between the US and itself have forced China to refrain from seeking a radical reconfiguration of the liberal international order. However, owing to its deep concern about national sovereignty and the possibility of intervention from the West, China has neither committed itself to working as a co-guardian of the liberal international order.

² Rosemary Foot, 'Chinese power and the idea of a responsible state', in Yongjin Zhang and Greg Austin (eds), *Power and Responsibility in Chinese Foreign Policy* (Canberra: Asia Pacific Press, 2001), pp. 21-47.

³ Robert Jervis, 'The Remaking of a Unipolar World', *Washington Quarterly*, Vol. 29, No. 3, Summer 2006, pp. 7-19.

⁴ Kishore Mahbubani, 'The Case Against the West: America and Europe in the Asian Century', *Foreign Affairs*, Vol. 87, No. 3, May-June 2008, pp. 111-124.

Inviolability of sovereignty and the supreme authority of the CCP are the necessary conditions for China's continued engagement with global governance and global health governance. There is little likelihood that China will give up either of them in its deepening participation in global health governance.

The Quest for Great-Power Status

The quest for an advancement of its international status (*guoji diwei*) forms one of the primary goals of China's post-Cold War foreign policy.⁵ In striving to be accepted by the established leading powers in the West as a 'legitimate great power', a normal state, and a responsible rising power, it intensifies its integration into the international community, largely complies with the norms and rules of global institutions and refrains from posing any direct challenges to the vested interests of the industrialised West, including its big business. Nonetheless, its state-centric persistence on sovereign equality and on the principle of non-intervention is no longer compatible with the emerging solidarist values of the post-Cold War liberal democratic order. As a frustrated rising power, China has recently espoused the notion of a 'harmonious world' as its overall view of global governance to resolve this latent conflict.

The essence of the notion of a harmonious world is to urge the West to accept that there are non-Western models of development and that countries of varying social systems should and could peacefully coexist together. The West should not use its own peculiar development experience and values to evaluate and judge other countries as the values of liberal democracy are never universal. China as well as other developing countries have the right to choose their own paths to development. By emphasising these pluralist principles, China is building up its soft power among developing countries. The attractiveness of China's 'hands-off politics' in its financial aid policy is that developing countries do not have to forfeit their sovereignty on

⁵ Yong Deng has argued that China's post-Cold War foreign policy is mainly driven by its quest for great-power status. See his *China's Struggle for Status: The Realignment of International Relations* (Cambridge: Cambridge University Press, 2008); and "Better than Power: 'International Status' in Chinese Foreign Policy", in Yong Deng and Fei-Ling Wang (eds), *China Rising: Power and Motivation in Chinese Foreign Policy* (Lanham, CO: Rowman & Littlefield Publishers, 2005), pp. 51-72.

receipt of development aid from Beijing as long as they affirm their support for the 'one China' principle. In contrast to the liberal concept of 'good governance' for development, China's conditionality-free policy is most welcomed by the African states which are heavily in debt. Although it is still guesswork on the extent to which Beijing's no-strings-attached policy can reduce Africa's HIV-led health crisis, one thing for sure is that China already wields normative influence within African political elites and this normative influence lies in its espousal of the doctrine of non-intervention in the domestic affairs and its 'no-strings-attached' financial and technical aid.

However, it is apparent that China's notion of a harmonious world gains little soft power in the developed world and hence hardly attracts the developed countries, particularly those democratic countries, to follow. China's policymakers and intellectuals are fully aware that the country has not been recognised and acknowledged as a fully-fledged great power by the West. As an illiberal state, it is still regarded as an 'out-group' power by the leading Western ones. Salient indicators include: an arms embargo on China by the European Union since 1989 remains intact and China is the only permanent members of the UN Security Council which is not a member of the G8 (the group of highly industrialized states). The French president Nicolas Sarkozy proposed to expand the membership of the G8 to include China and four other main emerging economic powers – India, Mexico, Brazil and South Africa – during the G8 summit held in Japan in early July 2008. Kazuo Kodama, chief press secretary of Japan's foreign ministry coolly responded to the call for expansion by saying that 'The G8 is a group of countries who share basic fundamental values and that significance should not be lost' and enlargement 'would dilute the quality of the discussions'. For Japan, it is very obvious that China should be excluded from the bloc because it does not share the same political values with the G8 member states.⁶

China's ascendancy has often been suspected as 'unpeaceful rise'.⁷ The SARS outbreak, bird flu and the recent food and drug safety problems all have similar

⁶ See Krishna Guha, George Parker, and David Pilling, "'Rich Nations' club faces Pressure to Expand", *Financial Times*, 10 July 2008.

⁷ John J. Mearsheimer, 'China's Unpeaceful Rise', *Current History*, April 2006, pp. 160-162.

collective adverse effects on China's 'responsible' image. In order to fend off international criticism for its policy at home and abroad, especially with regard to its dismal human-rights record and to its close ties with unsavoury states in the developing world, it has to rely on the political support of the Third World. These collectively result in a dilemma that China straddles great powers and the Third World. It aspires to be recognised as a legitimate member of the first group, but whenever it is rejected or meets setback in its quest for status, it turns to the second group to look for allies.⁸ This explains why it does not seek a radical transformation of the prevailing liberal international order despite the fact that it often criticises it for being unfair and unjust for the developing world and calls for a redistribution of power in the international system.

Acting against China's rhetoric of behaving on the world stage as a 'responsible great power' and a true friend of Third World countries, this research examines how it contributes responsibly to the mitigation of HIV/AIDS in Africa where the disease is notoriously rampant. Furthermore, while claiming that the world order is 'undemocratic' and 'unjust', what does China do to foster a more equitable world order that would be more favourable to the development of the Third World? The finding is that in the case of the WTO's TRIPS agreement on drug patents, China contributes little to the benefit of developing countries. While rhetorically it harbours resentment against the 'US-style patent law', its actual policy towards pharmaceutical drugs on the ground is not in line with the rhetoric. Although it lent its vocal support to the G20 during the negotiations over the Decision on Implementation of Paragraph 6 of the Doha Declaration, it appeared quite aloof and was loath to act against the interests of the US and other developed countries. It contributes little to the expansion of access to affordable antiretroviral therapy for those HIV/AIDS patients living on the African continent. Within the WTO, it is acting principally as a system defender rather than a revisionist. It sides with developed countries on the issue of expanding HIV/AIDS patients' access to medicine. The reason is largely utilitarian in the sense that domestically China feels no compelling need to import second-tier medicines and

⁸ Ann Kent describes China's identity as a 'Club of One'. See Ann Kent, 'China's Participation in International Organisations', in Yongjin Zhang and Greg Austin (eds), *Power and Responsibility in Chinese Foreign Policy* (Canberra: Asia Pacific Press, 2001), pp.132-166.

hence it has little incentive to challenge the liberal international order which stresses free trade and intellectual property rights. This finding is in line with Margaret Pearson and Gerald Chan's earlier studies on China's behaviour within the WTO.⁹

At the heart of the dichotomy between words and deeds is the multifaceted, complex identity of the Chinese state. The notion of a 'responsible developing great power' often requires China to take competing positions to address global issues that affect countries in both developed and developing worlds. It is often in a state of flux as to with which group of countries it should cooperate more. If the interests of developing and developed countries collide and its immediate interests are not at stake, China will offer vocal support to its brothers in the developing world but work in concert with the more advanced powers in the West, which dominate the operation of global governance on the ground.

Possible Direction of Research in the Future

This study focuses on China's increasing involvement in global health governance, with special reference to the global initiatives to counter the spread of HIV/AIDS. It treats public health as a platform for not only scrutinizing China's compliance with and resistance to the norms and rules embedded in the global health regime, but also for illustrating China's evolving global role and its intentions in global governance. With its increasing clout and rising influence in various areas, China is no longer playing the limited role of a regional power only. It is now widely assumed that no global problems can be successfully handled without China's participation. China

⁹ In studying China's behaviour in the WTO, Margaret Pearson and Gerald Chan have also concluded that China is far from revisionist. It is a follower rather than a leader. It could join collective efforts initiated and led by the Third World, such as the Group of 21, but has never involved itself in a leadership role in shepherding its development. For most of the part, it has been acting as a system maintainer. The only exception to this is on those issues seen to impinge on its national sovereignty and dignity. See Margaret M. Pearson, 'China in Geneva: Lessons from China's Early Years in the World Trade Organisation', in Alastair Iain Johnston and Robert S. Ross (eds), *New Directions in the Study of China's Foreign Policy* (Stanford: Stanford University Press, 2006), p. 242; Gerald Chan, *China's Compliance in Global Affairs: Trade, Arms Control, Environmental Protection, Human Rights* (New Jersey: World Scientific, 2006), p. 218.

scholars and watchers have long been pondering the impact of China's rise on the evolving global order. On the one hand, China has endeavoured to play a greater role in global institutions. On the other hand, the US and other developed countries have frequently called on China to use its leverage to put pressure on such 'rogue states' as Sudan, Myanmar, and North Korea, to resolve the internal political turmoil of the countries or their nuclear weapons crises. Further studies on how global governance could be changed as a result of China's increasing involvement would certainly enrich the ongoing debate on China's evolving role in the international order.

As noted in the case study of China-Africa relations above, China does not want to jeopardise its warming relations with the leading powers, with which it aspires to be on a par, by offering thorough support for all Africa's states in dealing with their problems. China runs the risk of harming its relationships with or alienating it from other developing countries when and if they compete for the same scarce resource, e.g., natural resources or status. This begs the following questions that deserve further study: How good are China's relations with developing countries? To what extent could China go hand in hand with other developing countries to remould the world order? How could China play properly the competing roles arising from its complex identity as a 'Club of One'? How would China reassess and redefine its identity when it is widely accepted as a genuine great power?

The SARS outbreak of 2002-2003 turned global focus on China's public health. A potential danger of China's increasing connections with the world and the concomitant rising mobility of its people is the acceleration of the global spread of infectious diseases. As a rising power with the largest population on earth, China is expected by the international community to play a better and more active role in health management. However, tension between China's state-led health governance and the demand for post-Westphalian health governance from the international community will certainly grow. In the era of globalisation, HIV/AIDS is just one of a multitude of severe plagues. Hence the debate over whether China will steadfastly engage in global health governance and provide global public goods for health is likely to go on. Perhaps the looming avian flu pandemic could provide a further litmus test for the country's engagement with global health governance. In addition, the spread of contagious diseases is just one of the non-conventional areas that the

world needs China's engagement in providing global public goods. This study does not contend that this is the only area that China can yield to the world. Other issues, ranging from climate change to cross-border crimes to consumer product safety, can also be used to gauge China's impulse and its contribution to sharing the burden of supplying global public goods to its own country as well as to the world. To paraphrase a popular slogan in China which says '*gaibian ziji yingxiang shijie* (transform itself, influence the world)',¹⁰ one may ask: to what extent can China change the world by changing itself?

¹⁰ Zhang Baijia, 'Gaibian ziji yingxiang shijie: 20 shiji zhongguo waijiao siansuo chuyi (Transform itself, Influence the World: an Outline of Chinese Diplomacy during the 20th Century)', *Zhongguo Shehui Kexue (Social sciences in China)*, No. 1, 2002, pp. 4-19.

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