

**INTERNATIONAL LAW AND INTERNATIONAL
INSTITUTIONS: IMPLICATIONS FOR
A RISING CHINA**

KONG Qingjiang & PING Xiaojuan

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Executive Summary

1. There is growing concern that after having surpassed the United States to become the world's largest economy based on purchasing power parity terms, China has become more assertive in its foreign policies. The fear is whether China's economic growth may translate into modern and effective military advancement.
2. Fear and doubts involving security concerns, especially in East Asia, are palpable. This gives rise to the critical question of whether China will feel comfortable in the current international order defined by international law and institutions.
3. The Chinese approach to international law and institutions is tightly associated with its evolving perception and attitude towards them. For example, while international institutions are generally seen to be instrumental to delivering public goods, they are always alien to the Chinese people and government due to perceived humiliation from the imperialism era.
4. With China's opening-up, this perception has eroded somewhat. China now views multilateralism as a way for the international community to constrain the caprice of a superpower and for international institutions to avoid/address misunderstandings. It regards international institutions simply as power sharing development.
5. This evolving process represents China's attempt to rebuild its international image, work within international norms to pursue its interests and enhance national security. It also shows China's effort to hedge against American influence and signals China's emergence as an active player in the international arena.

6. Its approach to the settlement of disputes is also illustrative of its attitudes towards international law. Both political approach (including consultation and negotiation, good office, investigation, etc.) and juridical approach (such as judicial litigation and international arbitration) are set as peaceful approaches. China advocates dispute resolution via dialogue.
7. The negotiation and consultation approach was successful in some territorial disputes settlement cases that involved China and its neighbours such as Russia, Pakistan and Myanmar. However China's reluctance to use juridical means reflects its distrust, or at least a sense of estrangement, in the international judicature.
8. With its rise, China has begun to embrace regional and global institutions and took on responsibilities that come with great-power status. It now embraces much of the current constellation of international institutions, rules and norms in dealing with its international relations, with a visible ambition to play an increasingly active role in international rulemaking settings.