

China's Soft Power: Assessing China's Fulfillment of International Obligations

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ABSTRACT

The concept of soft power has been recently gaining more popularity within the debate on power, with particular attention being paid to China's growing soft power. Experts usually indentify such sources of China's soft power as cultural potential, financial assistance, participation in peacekeeping operations, successful economic development model, as well as exchange programs. However, little attention has been accorded to analysis of China's compliance with its international obligations as a resource cultivating its soft power potential. The present study was designed to determine how accession to international treaties and compliance with related obligations by China influences its reputation and soft power. It argues that accession to international treaties and compliance with related norms contributes to the soft power of a state. For the purpose of the research, I analyze two case studies, namely China's participation in the international legal trade regime and international environmental regime. The case studies demonstrate that the level and nature of obligations undertaken by China influence its image and therefore soft power. I argue that accession to international norms demonstrates a state's respect for international law and contributes to building trust and therefore the basis for a mutually beneficial relationship among states, which in its turn consolidates the positive image of a state.

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INTRODUCTION

The role of traditional means of power, such as military might has been relatively decreasing while the image of a state, its public diplomacy, and capacities to contribute to international institution building have gained more significance.¹ Therefore, one of the most important current debates in international relations is dedicated to both the concept of soft power and practical aspects of the soft power of different states.

China's soft power evokes particular academic interest as Beijing has included this concept into its foreign policy strategy, as well as invested numerous resources into its actual promotion. Thus, Beijing has made a great deal of effort to project its cultural soft power through promoting Chinese language learning.² Having started to establish Confucius Institutes in 2004, by July 2011 it had already opened 350 Confucius Institutes and 430 Confucius Classrooms in 103 countries and regions.³ In addition to this, China has garnered international goodwill by providing foreign assistance, as well as participating in UN peacekeeping operations.⁴ According to the 2009 study prepared by the U.S. Congressional Research Service, China's foreign assistance and government-supported economic projects in Africa, Latin America and Southeast Asia have demonstrated dramatic growth in the last few years.⁵ In addition, China has been enhancing its diplomatic soft power through numerous diplomatic initiatives, such as for instance, hosting 6-party international

¹ Joseph S. Nye, "Soft Power," *Foreign Policy* 80, Twentieth Anniversary (Autumn, 1990): 153-171.

² Jeffrey Gil, The Promotion of Chinese Language. Learning and China's Soft Power. *Asian Social Science*, October 2008, Vol. 4, No10, pp.116-122.

³ Confucius institutes propagate China and its culture. *Xinhua News Agency*, September 25, 2011. http://www.china.org.cn/arts/2011-09/25/content_23488654.htm. (Last access: 5 May 2012).

⁴ In 2000, the number of Beijing's peacekeepers was less than 100, since then, however, its peacekeeping deployments have seen a twenty-fold increase. Cited from China's growing role in UN peacekeeping. *International Crisis Group*. Asia Report N 166 – 17 April 2009.

⁵ China's Foreign Aid Activities in Africa, Latin America, and Southeast Asia. *Congressional Research Service Report*, 2009. <http://www.fas.org/sgp/crs/row/R40361.pdf>. (Last access: 17 May 2012).

negotiations on North Korea that started in 2003 and since then have been held in several rounds.

Furthermore, China made considerable progress in implementing its international obligations during the last thirty years. This important tendency can be illustrated by Beijing's increasing accession to international norms, as well as by the fact that substantive treaty obligations undertaken by China, to a large extent, have been incorporated into special national laws.⁶ However, researchers mainly argue that China's soft power comes from its cultural potential, financial assistance, participating in peacekeeping operations, students' exchange programs, scholarships and other issues. So far, little attention has been given to Beijing's accession to and compliance with international norms within the debate on soft power.⁷

Briefly stated, this thesis argues that China's implementation of its international commitments promotes its image as a responsible stakeholder and as a consequence projects its soft power, whereas failure to undertake and fulfill significant international norms results in reputation losses. Considering the importance of the impact of international obligations, the case of the United States is rather illustrative. Thus, most of the crises and declines in U.S. soft power are related to Washington's actions that were seen as contradicting its international commitments. These declines are often associated with the war in Iraq, which was started without the UN Security Council resolution; interrogation of terrorist suspects without due legal process in Guantanamo detention prison; torture and abuses of prisoners of Abu Graib prison. The mentioned episodes involving the U.S. were seen as illegitimate and perceived highly negatively by the public. The evidence for this argument can be found in the results of the survey held by Pew Global Attitudes Project (PGAP) 'From Hyperpower to Declining

⁶ Xue Hanqin and Jin Qian, "International Treaties in the Chinese Domestic Legal System," *Chinese Journal of International Law* 8, no. 2 (2009): 299–322.

⁷ Roda Mushkat, "China's Compliance with International Law: What Has Been Learned and the Gaps Remaining," *Pacific Rim Law and Policy Journal* 20, no. 1 (2011): 41–70.

Power.’ Reportedly, with the beginning of the Iraq war in 2003, anti-American attitudes increased in the world. Negative perception grew in Western Europe, and more in the Muslim world, even where the United States were perceived rather positively before, such as for instance in Turkey and Indonesia.⁸ In particular, the survey demonstrates that the Iraq war, Abu Ghraib, and Guantanamo marked the emergence of unpopular attitudes towards the U.S. For instance, by 2007 only four-in-ten people surveyed in Germany, the UK and France supported American anti-terrorism efforts, which revealed a drop in comparison with perception of the U.S. in 2003.⁹ Logically, the legitimacy of a state’s policies is determined by its correspondence to international law. Therefore, it is plausible to argue that compliance with international legal obligations and adherence to international rules and norms can be thought of in terms of a contribution to a soft power potential of a state.

Recently China has pursued more active involvement in various legal international regimes.¹⁰ This research will focus on two such regimes, including international trade and environmental regimes. In particular, reference will be made to the following international obligations undertaken by China within these regimes. Regarding international trade, those mostly include the 1994 General Agreement on Tariffs and Trade (GATT 1994)¹¹ and the in case of environmental protection they cover the Kyoto Protocol and obligation to cut greenhouse gas emissions.

⁸ “From Hyperpower to Declining Power. Survey Report” (Pew Global Attitudes Project, September 7, 2011), <http://www.pewglobal.org/2011/09/07/from-hyperpower-to-declining-power/>. (Last access: 25 May 2012)

⁹ Ibid.

¹⁰ Pitman Potter. China and the International Legal System: Challenges of Participation. *The China Quarterly* 191 (September 2007): 699-715.

¹¹ The 1994 GATT Agreement has been cited in 18 respondent cases involving China within the trade regime represented by the WTO. This means that trade in goods still constitutes the most important source of frictions between China and other states. Cited in Chi Manjiao, “China’s Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts,” *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29-49.

The thesis has been organized in the following way. It begins with laying out the theoretical framework, literature review, and research design. Chapter 2 examines the first case study and looks at how China's compliance with international trade obligations has contributed to its image. It seeks to illustrate that Beijing's increased accession to international norms and intensified participation in the WTO legal system produces a positive impact on its image, and therefore soft power. Chapter 3 assesses Beijing's accession to environmental commitments and describes how the latter influenced building of its reputation and soft power. In particular, it investigates the influence of China's reluctance to undertake binding responsibilities to reduce its emissions. Finally, conclusions present the main findings of the research.

CHAPTER 1: THEORETICAL FRAMEWORK

The theoretical framework of this thesis is based upon two main concepts, including soft power concept and concept of compliance with international obligations. This chapter specifically seeks to introduce a brief overview of the literature on the soft power concept in general, China's soft power in particular, and concept of compliance. In addition, it also attempts to demonstrate the gap in the literature existing with regard to correlation between soft power and international law, and suggest a way that will contribute to addressing this gap.

1.1 Soft Power Concept

The soft power concept itself, as well as China's assertive intention to improve its national image and to increase its soft power potential have provoked much interest among academicians across the globe. This has resulted in a growing amount of related research projects and publication of a large volume of literature on soft power.

Traditionally, a state was judged powerful if it was strong in war. However, nowadays, the emphasis on military force is decreasing when defining the notion of power. Instead, technology, education, and economic growth are gaining more importance for states to be considered powerful on the international arena. At the same time geography, population, and raw materials are becoming to a certain extent less significant.¹² Therefore, the emergence of the soft power concept marked a new wave of discussions within the debate on power in general.

¹² Joseph S. Nye. "Soft Power," *Foreign Policy* 80, Twentieth Anniversary (Autumn, 1990): 153-171.

This concept was first presented by Joseph Nye, who argues that ‘soft power lies in the ability to attract and persuade,’ and to ‘shape the preferences of others.’¹³ According to Nye, one should distinguish between hard power and soft power: hard power is known as military and economic might, and it rests on inducements and threats; in its turn, soft power is ‘the ability to get what you want through attraction rather than coercion and payments.’¹⁴ Interestingly, similar ideas could be traced in previous studies as well. Thus, Hans J. Morgenthau found that a strong state that has underdeveloped diplomacy ‘must yield to one whose diplomacy is prepared to make the most of whatever other elements of power are at its disposal.’¹⁵

Nye identifies three sources of soft power: ‘a state’s culture (in places where it is attractive to others), its political values (when the country lives up to these values at home and abroad), and its foreign policies (when other nations see the country as a legitimate and moral authority).’¹⁶ Though this approach has guided existing analyses, some scholars highlight other sources of soft power which primarily concern the economic potential of a state. In his major study on China’s soft power, Kurlantzick represents business tools as an important element of Beijing’s ‘capability to charm,’ arguing that trade, investment, aid and the appeal of China’s economic model ‘make up a potential weapon in China’s arsenal.’¹⁷ Thus, scholars accorded more attention to such resources cultivating soft power as, for instance, culture or

¹³ Joseph Nye developed the concept of soft power in the following books ‘Bound to Lead: The Changing Nature of American Power’ (1991), *The Paradox of American Power* (2002), ‘Soft Power: The Means to Success in World Politics’ (2004), and ‘The Future of Power’ (2011).

¹⁴ Ibid.

¹⁵ Morgenthau cited in Sheng Ding, “To Build A ‘Harmonious World’: China’s Soft Power Wielding in the Global South,” *Journal of Chinese Political Science* 13, no. 2 (2008): 193–213.

¹⁶ Joseph S. Nye and John F. Kennedy, “Hard Decisions on Soft Power,” *International Journal* 59, no. 3 (2004): 711–713.

¹⁷ Joshua Kurlantzick, *Charm Offensive. How China’s soft power is transforming the world.* (Yale University Press, 2007).

provision of financial aid, whereas the significance of abiding by international norms for soft power, however, still remains an underdeveloped topic.¹⁸

China's soft power has evoked particular academic interest among both Western and Chinese experts. Within the Western debate on China's soft power a significant amount of studies are dedicated to comparison of the U.S. and China's soft power potential and strategy.¹⁹ Thus, Kurlantzick offered a rather critical view on China's soft power arguing that it constitutes a threat for the U.S.²⁰ Paul presented a to some extent close interpretation considering China's strategy as soft balancing targeted at constraining the U.S. influence in East Asia and the world in general.²¹ A recent major study conducted by Yang Zixiao and David Zweig examined the correlation between anti-Americanism and pro-China sentiment asking whether pro-American people are prone to perceive China unfavorably. The study revealed that the correlation between the two attitudes depends on how people identify China. For instance, if they view China as a successful economy, they would have favorable views of both the U.S. and China. However, if they look at Beijing as an increasing military power and at the same time they are in support of the U.S., they would most probably disapprove of China.²²

As a whole, experts agree that China has recently made enormous effort aimed at improving its image and strengthening its soft power potential. Joel Wuthnow states that soft power has become one of the main elements of China's foreign strategy. The author lists Beijing's three mediums of soft power resources, namely 'culture transmission, leadership in

¹⁸ oda Mushkat, "China's Compliance with International Law: What Has Been Learned and the Gaps Remaining," *Pacific Rim Law and Policy Journal* 20, no. 1 (2011): 41–70.

¹⁹ Such as for instance, Young and Jeong: Young Nam Cho, Jong Ho Jeong. "China's Soft Power," *Asia Survey*, 48, 3, pp. 453–72.

²⁰ Joshua Kurlantzick, *Charm Offensive. How China's soft power is transforming the world.* (Yale University Press, 2007).

²¹ T. V. Paul. Soft Balancing in the Age of U.S. Primacy. *International Security* 30, no. 1 (Summer 2005):46-71.

²² Yang Zixiao and David Zweig, "Does Anti-Americanism Correlate to Pro-China Sentiments?," *The Chinese Journal of International Politics* 2, no. 4 (December 21, 2009): 457–486.

the developing world, and reassurance to states that perceive China's rise as a threat.'²³ Alternative economic model of development is also often portrayed as its major source of soft power, especially in the developing states. For instance, this view has been suggested and widely supported by Breslin and Kurlantzick.²⁴

Scholars have also dedicated particular attention to Chinese values as a source of its soft power. For instance, Daniel Bell refers to Confucianism as a basis for China's soft power. He argues that the government has moved closer to an embrace of Confucianism in order to ensure a new moral basis for the existing political system. This strategy can be illustrated by the recently conducted Olympics that highlighted Confucian motives and at the same time where attention to China's communist ideas was minimized.²⁵ In contrast, Bonnie Glaser and Melissa Murphy argue that China may offer its socialist values 'as an alternative to Western values.' Interestingly, the authors present promotion of these values as a plausible prospect for future, rather than actual policy, stating that today China's leadership refrains from any competition with the West.²⁶ Other experts, such as for instance Zakaria, pay less attention to the sources of soft power while arguing that China has used soft power 'only in the sense that it has exercised its power softly.'²⁷ Thus, we observe that in the case of China, Western scholars focus more on such resources of soft power as culture and values, setting aside other potential resources related to international legal order.

Alternative views on sources and the nature of China's soft power have been offered by Chinese analysts who demonstrated enormous interest in the topic. As has been mentioned

²³ Joel Wuthnow, "The Concept of Soft Power in China's Strategic Discourse," *Issues & Studies* 44, no. 2 (2008): 1.

²⁴ Shaun Breslin. The Soft Notion of China's 'Soft Power'; Joshua Kurlantzick, 2007.

²⁵ Daniel Bell. Reconciling Socialism and Confucianism? *Dissent* 57, no 1 (Winter 2010): 91-99.

²⁶ Bonnie Glaser and Melissa Murphy. Soft Power with Chinese Characteristics in Carola McGiffert, *Chinese Soft Power and Its Implications for the United States: Competition and Cooperation in the Developing World: a Report of the CSIS Smart Power Initiative* (Washington, D.C.: CSIS (Center for Strategic & International Studies), 2009).

²⁷ Soft Power: China's Emerging Strategy in International Politics. Edited by Mingjiang Li. (UK: Lexington Books, 2009).

by Chinese scholar, Xuetong Yan, soft power is just as important to China's rise as its hard power, arguing that if either soft or hard power of a state is zero, 'the total value of the comprehensive power will [also] be zero.'²⁸ Chinese discourse also represents a quite diverse debate. First of all, it offers quite varying assessments of the potential of China's power, as well as ways to increase it.²⁹ In general two schools of thought can be identified within the Chinese debate on soft power. According to one of them, 'the core of soft power is culture.'³⁰ The other group of scholars argues that although culture is important, the way how a state uses the resources of its soft power, including culture, is much more significant. For instance, Zhu Feng notes that soft power is less related to sources of power, but rather to acceptance by the international community of a nation's policies and strategic choices.³¹ Yiwei Wang specifies that it is with the help of public diplomacy that a state can promote its national image and soft power.³² On the other hand, Yu Xintian, one of the most popular representatives of the cultural school, refers to soft power as a reflection of national and cultural influence in the international relations and stresses the role of thoughts, principles, institutions and policies functioning in the context of a nation's culture.³³ Alternatively, Sheng Ding argues that China's soft power comes from several sources simultaneously, including mutually beneficial economic cooperation, cultural and educational exchanges, participation in multilateral diplomatic frameworks, and public diplomacy activities.³⁴ As a whole, Chinese

²⁸ Inderjeet Parmar and Michael Cox, eds., *Soft Power and US Foreign Policy: Theoretical, Historical and Contemporary Perspectives*, Routledge Studies in US Foreign Policy (London; New York: Routledge, 2010).

²⁹ Shaun Breslin. The Soft Notion of China's 'Soft Power.'

³⁰ Yu Xintian cited in Bonnie Glaser and Melissa Murphy. Soft Power with Chinese Characteristics. *Center for Strategic and International Studies*. http://csis.org/files/media/csis/pubs/090310_chinesesoftpower__chap2.pdf. (Last access: 21 April 2012).

³¹ Zhu Feng cited in L. Mingjiang, "China Debates Soft Power," *Chinese Journal of International Politics* 2, no. 2 (2008): 287–308.

³² Yiwei Wang, "Public Diplomacy in a Changing World," *Social Science, The Annals of The American Academy of Political and, Social Science* 616 (2008): 257.

³³ Yu Xintian, "The Role of Soft Power in China's External Strategy," *Global Review* Trial Issue (2007): 113–127.

³⁴ Sheng Ding, "To Build A 'Harmonious World': China's Soft Power Wielding in the Global South," *Journal of Chinese Political Science* 13, no. 2 (2008): 193–213.

debate on soft power also demonstrates that little attention has been accorded to the impact of international obligations and compliance with norms on China's soft power.

1.2 Concept of Compliance

As stated by Gerald Chan, although the concept of compliance is in principle a legal concept, it has also been borrowed by political science. In general, compliance constitutes the act of implementing and enforcing agreements and a correspondence between behavior and agreed rules. The concept of compliance is related to the concept of responsibility. The latter mostly attracted the attention of 'cosmopolitan' or 'international society' school of thought (associated with the English School).³⁵

Mainstream international relations approaches, such as the realist school or the liberalist school, do not focus on the idea of responsibility, however it is reported to have been greatly influenced by power politics.³⁶ For instance, Hedley Bull makes an emphasis on great powers arguing that they agree to establish spheres of influence, interest of responsibility in order to maintain international order and to avoid friction between states.³⁷ In other words, powerful nations control international affairs through dividing responsibilities. Additionally, Adam Watson argues that responsibility implies 'accountability for one's actions and for their consequences.'³⁸

Both in the Chinese and English languages, responsibility could refer to two different meanings; responsibility as an obligation one should fulfill, and responsibility as

³⁵ Gerald Chan, "China and the WTO: The Theory and Practice of Compliance," *International Relations of the Asia-Pacific* 4, no. 1 (February 1, 2004): 47–72.

³⁶ Ibid.

³⁷ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. (London: Macmillan, 1995).

³⁸ Adam Watson, *The Limits of Independence: Relations Between States in the Modern World* (London: Routledge, 1997).

accountability for the consequences of a person's actions or inaction.³⁹ On the other hand, the Western approach is still in conflict with the Chinese position on a number of issues. For instance, China regards human rights as a domestic affair.⁴⁰

The issue of compliance with international obligations is inseparable from the level of cooperation of a state. Thus, Ann Kent goes beyond China's compliance investigating the level of China's cooperation with other states and with international organizations. The author argues that although compliance indicates engagement of a state with the international system, assessment of cooperation of the state can provide a better test of its internalization of international rules. As a result, the author notes that while China normally 'complies' with international norms and rules, it may not necessarily cooperate with them. Kent lists such indicators of cooperation as 'the readiness of a state to ratify treaties without introducing excessive reservations, to assume non-mandatory obligations, to promote the object and purpose of an organization and its associated treaties, and to encourage other states to do likewise.'⁴¹

Correlation between soft power and international law can be viewed through public diplomacy, which is related to the image building of a state. China has made many efforts in order to adjust itself to the global rules. At the same time, being an emerging power, Beijing also intends to create an image of a responsible and law-abiding growing power. As Chen points out, 'China aspires to become a responsible member of the international community and to be a strong and wealthy nation.'⁴² Moreover, China is willing not only to be but, what is more important, to be viewed as a responsible member by the international community as it

³⁹ Chen Zhimin, International Responsibility and Chinese Foreign Policy in China's Shift: Global Strategy for the Rising Power. Edited by Masafumi Iida. *The National Institute for Defense Studies, Japan*. Research Series no.3 (2009): 7-23.

⁴⁰ Gerald Chan, «China and the WTO: The Theory and Practice of Compliance», *International Relations of the Asia-Pacific* 4, no. 1 (January 2, 2004): 47-72.

⁴¹ Gerald Chan, "Beyond Compliance: China, International Organizations, and Global Security/Social States: China in International Institutions, 1980-2000," *China Journal*, no. 60 (2008): 151-154.

⁴² Gerald Chan, "Globalization Rules and China's Compliance," *China Report* 41, no. 1 (2005): 59-68.

does care about its international image. So there is an urge within the central government to ensure that the country does comply with what it has agreed to.⁴³

Thus, 'China's ratification of many international human rights treaties since 1980 is explicable at least partially by concern at its international standing if it did not do so.'⁴⁴ There are indications that China's compliance with international obligations has been improving. Gerald Chan argues that China has demonstrated improvements in arms control and non-proliferation, trade and economics, humanity and ecology, although, as the scholar points out, much more has to be done in future.⁴⁵ Beijing acknowledges that acceding to international and regional organizations and agreements has become a sovereignty-enhancing instrument rather than a limit to its autonomy. In the prospect, China will follow agreed-upon international practices.⁴⁶ The purpose thereof is to be more influential on the international arena through gaining more power in setting international agenda and determining the framework of international debates.

1.3 Correlation between Soft Power and Compliance: Literature Gap

Although the soft power concept has been widely developed by scholars, the issue of the correlation between compliance with international obligations and soft power, as we can see, remains understudied. Shirley V. Scott and Lucia Oriana are among those few who try to map the field and explain the relationship of international law to public diplomacy and soft power. They argue that international law constitutes the main means to conduct diplomacy and manage power relations. The authors note that the task of mapping the relation of

⁴³ Ibid.

⁴⁴ Lucia Oriana and Shirley V. Scott, "International Law, Soft Power, and Public Diplomacy" (presented at the Crisis, Uncertainty And Democracy. APSA Conference, School of Politics & International Relations, The Australian National University, 2011), <http://law.anu.edu.au/coast/events/apsa/papers.htm>. (Last access: 25 May 2012).

⁴⁵ Gerald Chan, *China's Compliance in Global Affairs*: Trade, Arms Control, Environmental Protection, Human Rights, Series on Contemporary China: Vol. 3 (Hackensack, N.J.; London: World Scientific Pub., 2006), 249.

⁴⁶ Jean A. Garrison, "China's Prudent Cultivation of 'Soft' Power and Implications for U.S. Policy in East Asia," *Asian Affairs* 32, no. 1 (2005): 25–30.

international law to soft power and public diplomacy is challenged by the absence of clear definitions and understandings of concepts as well as interpretation of the role of international law in foreign affairs. The authors also point to the significance of acceding to international human rights treaties, involvement in international conflict resolutions as aspects illustrating the existence of the relation between international law and soft power.⁴⁷

Yet Nye indirectly referred to adherence of international law as a resource of soft power, arguing that ‘when our policies are seen as legitimate in the eyes of others, our soft power is enhanced.’ Nye continued by arguing that ‘it is not smart to discount soft power as just a question of image, public relations, and ephemeral popularity... When American policies lose their legitimacy and credibility in the eyes of others, attitudes of distrust tend to fester and further reduce our leverage.’⁴⁸

As a whole, few scholars pay sufficient attention to the relationship between international law and public diplomacy and soft power. Today, however, international law governs relations between states, and therefore particularly impacts their behavior, including in terms of soft power. As Roda Mushkat notes, it is quite surprising that international law is not studied in relation to soft power given the fact the system of public international law keeps expanding while constructivist and norms-based approaches are considered to be prevalent in international relations.⁴⁹

It is also worth mentioning that international law and the concept of rule of law upon which it is based is closely associated with that of democracy as a core value.⁵⁰ In other

⁴⁷ Lucia Oriana and Shirley V. Scott, “International Law, Soft Power, and Public Diplomacy” (presented at the Crisis, Uncertainty And Democracy. APSA Conference, School of Politics & International Relations, The Australian National University, 2011), <http://law.anu.edu.au/coast/events/apsa/papers.htm>. (Last access: 25 May 2012).

⁴⁸ Joseph S. Nye, “Soft Power and American Foreign Policy,” *Political Science Quarterly* 119, no. 2 (2004): 255–270.

⁴⁹ Roda Mushkat, “China’s Compliance with International Law: What Has Been Learned and the Gaps Remaining,” *Pacific Rim Law and Policy Journal* 20, no. 1 (2011): 41–70.

⁵⁰ Lucia Oriana and Shirley V. Scott, “International Law, Soft Power, and Public Diplomacy” (presented at the Crisis, Uncertainty And Democracy. APSA Conference, School of Politics & International Relations, The

words, Western values constitute the centre of international law, as well being the basis for increasing soft power. This presents an interesting fact in terms of analyzing how non-Western states, such as for instance China, perceive and position international law and view the necessity to comply with international rules in order to increase their soft power.

1.4 Research Design

Proceeding from this gap existing in the literature, this thesis is focused on assessing China's compliance with international obligations and its impact on Beijing's soft power. In particular, it is aimed at tackling the following research question: *In what ways does China's compliance with international obligations contribute to its soft power?*

For the purpose of the research a paired comparison is conducted; namely, the impact of China's compliance with international commitments in two different fields, global trade and environment. A paired comparison is also sometimes called 'within one case comparison' and may be close to investigating one case over time, however, is not limited to this.⁵¹ Global trade and environment represent important international fields in which China's involvement continuously grows. China became a member of the WTO in 2001 and it is important to analyze how responsible it has been since then in terms of meeting all related commitments. Beijing has also been in the centre of discussions on environmental security and therefore this field also is essential and representative for research.

Based on reviewed literature I identified indicators signifying that international law matters for China's soft power. In order to correlate China's compliance with international obligations and its soft power in the fields of global trade and environmental protection I use these indicators: reference to international law in official statements, documents, papers and

Australian National University, 2011), <http://law.anu.edu.au/coast/events/apsa/papers.htm>. (Last access: 25 May 2012).

⁵¹ Audie Klotz. Case Selection in *Qualitative Methods in International Relations: a Pluralist Guide* / Edited by Audie Klotz and Deepa Prakash, Research Methods Series (Basingstoke [England]; New York: Palgrave Macmillan, 2008).

speeches; number of international commitments undertaken; assessment of compliance with international obligations; activity and international-law making initiative; participation in treaty negotiations; and bringing its disputes to international courts (for instance, WTO disputes). As to the methodological approach, discourse analysis is the most suitable method to analyze public statements by Chinese officials and other data sources. It will allow drawing generalizations as to whether and how Chinese officials refer to international law in their official speeches and documents and whether and how they position China as a law-abiding nation.

Concerning assessing China's compliance with international obligations, participating in the international law-making process, as well as its position in international dispute settlement (such as within the WTO), the research is based on the analysis of empirical information derived from reports of international organizations.

The research heavily relies on the data from the surveys dedicated to China's image and its soft power. Surveys and public opinion polls are one of the most widespread ways to measure soft power. Such polls have been conducted by different institutions, such as for instance Pew Research Center, Chicago Council on Global Affairs, the BBC, partially by Eurobarometer and other institutions. Importantly, although the mentioned surveys were conducted in different years, it is striking that they report different, sometimes even opposite, results. Most probably, this is due to the fact that they applied different methodologies.

One of the first polls collecting public opinions about China was carried out by the Office of Research of the U.S. State Department in 2003. Reportedly, China's image was generally positive in Japan, South Korea, and Australia. The majority, that is 54 percent of the people polled in Japan, 68 percent in South Korea, and 67 percent in Australia, had an overall favorable opinion of China. Apart from that, Japanese and South Koreans viewed China as the most influential country in East Asia for the next five to ten years, while two-thirds of South

Koreans saw China's economic development having a positive effect on the Korean economy.⁵²

Between 2005 and 2006 BBC also conducted a related poll with a total sample of 39,435 people. This survey reported a deterioration of attitudes toward China, however it confirmed that a plurality still continued to view China positively in the world.⁵³ Another prominent research was held by the Chicago Council on Global Affairs in 2008, which in contrast, concluded that China's soft power in Asia is still modest and is lower than that of the U.S., Japan and in certain aspects even of South Korea.⁵⁴

The most recent and detailed research was conducted by the Pew Research Center.⁵⁵ According to it, China has become positively seen by more countries. Specifically, public reactions to China's growing economy are far more positive than opinions about the country's growing military power in the world.⁵⁶ For instance, positive assessments of China's growing economy are most widespread in the Middle East, as well as in Kenya, Pakistan, Indonesia, Japan, Britain, Brazil and Spain. However, majorities in all but four of the nations surveyed believe China's increasing military might is 'a bad thing' for their country. This is especially the case in Japan, the U.S., Western Europe and Russia, where at least seven-in-ten have negative views of China's growing military power.⁵⁷ In general, according to the survey carried out by the Pew Research Center and as demonstrated in the *Table 1* below, attitudes toward China have been changing between 2003 and 2011.

⁵² Jean A. Garrison, "China's Prudent Cultivation of 'Soft' Power and Implications for U.S. Policy in East Asia," *Asian Affairs* 32, no. 1 (2005): 25–30.

⁵³ "Attitudes Towards Countries. BBC Poll," *GlobeScan and the Program on International Policy Attitudes, the University of Maryland*, 2006, http://www.globescan.com/news_archives/bbc06-3/index.html. (Last access: 18 April 2012).

⁵⁴ Soft Power in Asia: Results of a 2008 Multinational Survey of Public Opinion, *The Chicago Council on Global Affairs*, 2009. <http://www.thechicagocouncil.org>. (Last access: 7 March 2012).

⁵⁵ The Pew Research Center has launched the Pew Global Attitudes Project in 2001. Within this project the Center has conducted a series of worldwide public opinion polls dedicated to different topics.

⁵⁶ "China Seen Overtaking U.S. as Global Superpower. Survey Report" (Pew Global Attitudes Project, July 13, 2011), <http://www.pewglobal.org/2011/07/13/china-seen-overtaking-us-as-global-superpower/>. (Last access: 26 May 2012).

⁵⁷ Ibid.

Table 1: China Favorability Trends (2002-2011)

China Favorability Trends									10-11
	2002	2005	2006	2007	2008	2009	2010	2011	Change
	%	%	%	%	%	%	%	%	
U.S.	--	43	52	42	39	50	49	51	+2
Britain	--	65	65	49	47	52	46	59	+13
France	--	58	60	47	28	41	41	51	+10
Germany	--	46	56	34	26	29	30	34	+4
Spain	--	57	45	39	31	40	47	55	+8
Lithuania	--	--	--	--	--	--	--	52	--
Poland	--	37	--	39	33	43	46	51	+5
Russia	71	60	63	60	60	58	60	63	+3
Ukraine	--	--	--	64	--	--	--	63	--
Turkey	--	40	33	25	24	16	20	18	-2
Egypt	--	--	63	65	59	52	52	57	+5
Jordan	--	43	49	46	44	50	53	44	-9
Lebanon	--	66	--	46	50	53	56	59	+3
Palest. ter.	--	--	--	46	--	43	--	62	--
Israel	--	--	--	45	--	56	--	49	--
India	--	--	--	--	--	--	--	25	--
Indonesia	68	73	62	65	58	59	58	67	+9
Japan	55	--	27	29	14	26	26	34	+8
Pakistan	--	79	69	79	76	84	85	82	-3
Brazil	--	--	--	--	--	--	52	49	-3
Mexico	--	--	--	43	38	39	39	39	0
Kenya	--	--	--	81	--	73	86	71	-15

PEW RESEARCH CENTER Q3c.

PEW RESEARCH CENTER Q3c.

Source: Pew Global Attitudes Project, 2011

Keeping in mind that the mentioned polls were conducted by different institutions and applied different methodologies, their results also seem to suggest that China's soft power has been growing during the period covered, between 2003 and 2011. This implies that certain factors influencing China's soft power have changed. It is logical to assume that a change has been caused by Beijing's assertive actions aimed at improving its image on the international arena, including those actions that were taken in the realm of its international obligations.

This thesis will be mostly based on the survey results generated by the Pew Global Attitudes Projects as those represent the most detailed opinions about China in different fields, including global trade and environment. In addition to this, they were conducted during

several years and therefore enable researchers to conclude about possible trends as well as to view things in perspective.⁵⁸

Thus, the soft power concept has emerged relatively recently, a large amount of literature and studies, however, has been already dedicated to this phenomenon across the globe. In addition to this, the topic of China's soft power gained particular attention of both Western and Chinese scholars. Although a large amount of literature has been published on soft power, little attention has been paid to the issue of the role of compliance with international obligations as a potential source of soft power.

⁵⁸ The surveys on which the research is based include: Among Wealthy Nations (2001); Among Wealthy Nations (2002); China's Optimism (2005); Publics of Asian Powers Hold Negative Views of One Another (2006); Global Unease With Major World Powers (2007); World Publics Welcome Global Trade — But Not Immigration (2007); Global Economic Gloom — China and India Notable Exceptions (2008); The Chinese Celebrate Their Roaring Economy, As They Struggle With Its Costs (2008); Views of China in China and India Notable Exceptions (2008); From Hyperpower to Declining Power (2011); China Seen Overtaking U.S. as Global Superpower (2011).

CHAPTER 2: CHINA'S PARTICIPATION IN THE INTERNATIONAL TRADE REGIME

Since its accession to WTO Beijing has gained tremendous economic achievements, which won general endorsement across the world and evoked particular interest among scholars. China's image is largely associated with its successful economic growth, whereas its development model is principally viewed as one of the major sources of China's soft power. The sphere of trade is of particular significance for China as it ensures its further economic development; therefore obligations in this field represent important building block of China's image. What we observe today in relations to Beijing's participation in the international trade regime is also China's increased participation in WTO legal system; this includes Beijing's involvement into settlement of both disputes lodged against China and complaints initiated by Beijing. Intensified engagement with the dispute settlement system of the WTO regime can be regarded as a driving force for boosting China's image as an active and law abiding participant of international trade. This chapter argues that the correlation between international law and soft power is revealed through China's accession and compliance with international rules and shifting of its image as a responsible trade partner that actively resorts to international legal norms. For this, I identify obligations that China has undertaken in the field of global trade, the level of China's compliance therewith, and assess China's image in relation to its trade obligations within the WTO.

2.1 China's Accession to WTO Obligations

International trade obligations undertaken by China are directly linked to its accession to the World Trade Organization. Beijing approved more than 3,000 rules and regulations,

including new laws on protecting intellectual property rights.⁵⁹ In particular, they concerned reduction of tariffs, elimination of non-tariff barriers that denied national treatment and market access for goods and services imported from other WTO members.⁶⁰ Through undertaking new obligations China has shown its respect toward international law and its willingness to become more engaged in the international legal system.

It is equally important to note that China naturally pursued its own economic interests when acceding to the WTO. Its achievements after the accession period are very illustrative in this regard: during the last ten years its GDP has grown at an average of 9 percent per year and it moved from being the fourth-largest trading nation to the second one, in both exports and imports.⁶¹ Beijing has become one of the hottest destinations for foreign direct investment, as well as a major creditor nation.⁶² In this respect, China's gains from its accession to the WTO compensate for the related challenges and risks it had to face.

However, at the same time China's accession to the WTO and adherence to its international trade responsibilities goes beyond its economic interests. By allowing the WTO to determine its fate in trade disputes, China exhibits its intention to accept binding international judgment and demonstrates respect for international law.⁶³ The fact that China pursues not only trade interests within the WTO becomes more evident when looking at the scope and nature of international obligations China has undertaken in the field of global trade. China officially joined the organization in December 2001 after 15 years of exhaustive

⁵⁹ Zhang Danhong, "China Celebrates 10 Years in WTO," *Deutsche Welle*, December 11, 2011, <http://www.dw.de/dw/article/0,,15587033,00.html>. (Last access: 1 April 2012).

⁶⁰ "2011 Report to Congress On China's WTO Compliance" (Office of the United States Trade Representative, 2011), <http://www.ustr.gov/about-us/press-office/reports-and-publications/2011/2010-report-congress-china%E2%80%99s-wto-compliance>. (Last access: 2 April 2012).

⁶¹ Wang Yong, "How WTO Accession Has Changed China and the Road Forward," *Centre for International Governance Innovation*, May 19, 2011, <http://www.cigionline.org/publications/2011/5/how-wto-accession-has-changed-china-and-road-forward>. (Last access: 1 April 2012).

⁶² Ibid.

⁶³ Chi Manjiao, "China's Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts," *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29–49.

negotiations with the WTO. In order to accede to the WTO China had to sign a historically unprecedented list of accession obligations. There were harsh internal opinions expressed within China that signing all the WTO agreements and protocols would bring the state more harm than achievements; some even called it another ‘foreign humiliation.’⁶⁴ In other words, never in world history has a country committed that much to change, on a voluntary basis, as China has done to adhere to the WTO rules.⁶⁵ The scope of concessions to which China went contributed to building image of Beijing as a responsible stakeholder.

This new approach has also been reflected in China’s key strategic documents on development. Thus, according to the 12th Five Year Plan, China pursues a goal to actively participate in various forms of global economic governance such as G20, which demonstrates that Beijing is no longer interested in only breaking more records in trade; rather, China intends to increase its soft power on the global economic scene and to project an image of a big responsible partner.⁶⁶

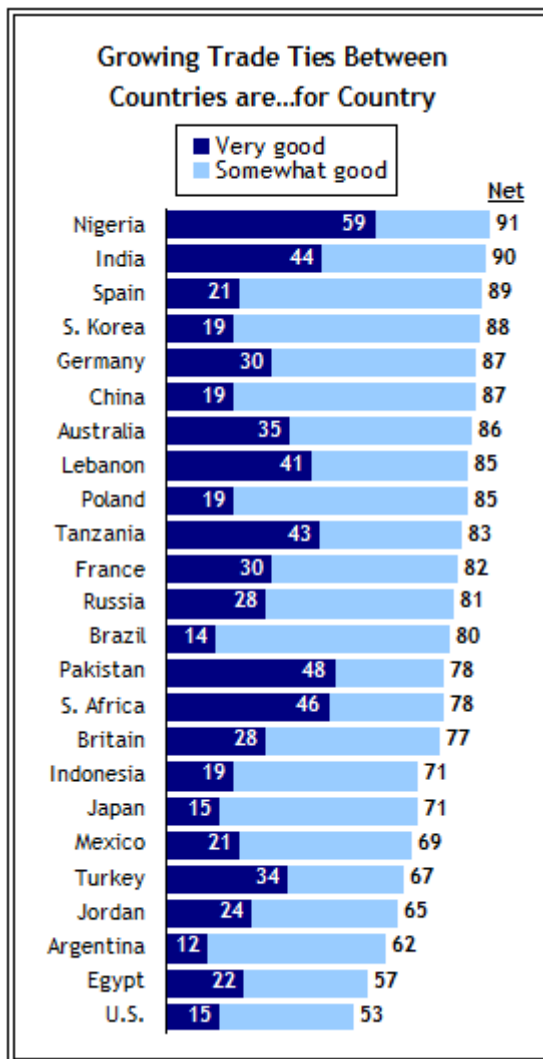
Actual benefits that other states receive from China’s accession to trade obligations is another significant factor that contributed to improvement of Beijing’s perception by other states. In general, profitable trade relations constitute a necessary ingredient of a state’s favorable reputation. As reported by the 2008 Pew Global Attitudes Project (PGAP) survey and showed in *Table 2* below, majorities in all states surveyed consider increasing trade as a benefit for their countries.⁶⁷

⁶⁴ Gregory Chin, “Looking Back, Looking Forward: China and the World Trade Organization 10 Years After Accession,” *Centre for International Governance Innovation*, 2011, <http://www.cigionline.org/series/looking-back-looking-forward-china-and-world-trade-organization-10-years-after-accession>. (Last access: 1 April 2012).

⁶⁵ Gerald Chan, «China and the WTO: The Theory and Practice of Compliance», *International Relations of the Asia-Pacific* 4, № 1 (January 2, 2004): 47–72.

⁶⁶ Ibid.

⁶⁷ “Global Economic Gloom – China and India Notable Exceptions. Survey Report” (Pew Global Attitudes Project, June 12, 2008), <http://www.pewglobal.org/2008/06/12/global-economic-gloom-china-and-india-notable-exceptions/>. (Last access: 18 May 2012).

Table 2: Approval of Foreign Trade Ties

Source: *Pew Global Attitudes Project, 2008*

China's adherence to mutually agreed international trade norms paved the way for WTO members' economies to profit from China's accession to the global trade regime. With China abiding by the international norms, other states received many advantages to develop their own foreign trade since a huge Chinese market became much more open and liberalized. It becomes evident when looking into details of the WTO agreements. As noted by Graham Boden, WTO, for instance, required China to make its trade information and law transparent. This was extremely useful for foreign companies as they received reliable information on Chinese trade law and now could operate with more confidence on Chinese market. Thus, in

compliance with WTO obligations China set up WTO TBT-SPS website (Technical Barriers to Trade - Sanitary and Phytosanitary Standards) ⁶⁸ to share all the necessary information on trade barriers, and national legislation.⁶⁹ Transparency that China has to ensure under the WTO obligations is likely to increase trust and positive impression of China, which in the end improves its soft power.

In 2007 PGAP highlighted the widespread view that China's growing economic power exerts a favorable impact on respondents' own countries, in particular in developing states.⁷⁰ The results of further surveys demonstrated a gradual increase in positive attitudes towards China's economic performance and positive assessments of cooperation within Beijing. According to the most recent results of the 2011 PGAP research, China's economic rise is rather favorably perceived by many states.⁷¹

Thus, Kenya has the most favorable views about China's economic rise as 85 percent of the people surveyed there say that their country benefits from Chinese economic development. In fact, most of the developing states where the poll was held, including Jordan, Lebanon, Indonesia, Pakistan, Brazil, and, as already mentioned, Kenya agree that China's economic growth is 'a good thing' for them (as it is formulated in the survey's questionnaire). In addition, in most of Western European states opinions about China's economic rise have become much more optimistic as compared to previous years.⁷²

As the *Table 3* below demonstrates, majorities see growth of Chinese economy as a benefit for their countries in 13 out of 21 states that were surveyed (marked in italics).⁷³

⁶⁸Link to the WTO TBT-SPS website: www.tbt-sps.gov.cn.

⁶⁹ Graham Boden, "China's Accession to the WTO: Economic Benefits," *The Park Place Economist* 20, no. 1 (January 1, 2012), <http://digitalcommons.iwu.edu/parkplace/vol20/iss1/8>. (Last access: 27 April 2012).

⁷⁰ "Global Unease With Major World Powers. Survey Report" (Pew Global Attitudes Project, June 27, 2007), <http://www.pewglobal.org/2007/06/27/global-unease-with-major-world-powers/>. (Last access: 18 May 2012).

⁷¹ Ibid.

⁷² Ibid.

⁷³ "China Seen Overtaking U.S. as Global Superpower. Survey Report" (Pew Global Attitudes Project, July 13, 2011), <http://www.pewglobal.org/2011/07/13/china-seen-overtaking-us-as-global-superpower/>. (Last access: 26 May 2012).

Table 3. Assessment of China's Growing Economy.*Question asked: 'How China's Growing Power [Growing Economy] Affects Your Country?'*

Country	Good thing %	Bad thing %
U.S.	37	53
<i>Britain</i>	53	32
France	41	59
Germany	46	50
<i>Spain</i>	52	40
<i>Lithuania</i>	47	27
Poland	32	46
Russia	37	41
<i>Ukraine</i>	37	33
Turkey	13	64
<i>Jordan</i>	65	28
<i>Lebanon</i>	57	29
<i>Palest. ter.</i>	66	24
<i>Israel</i>	53	30
India	29	40
<i>Indonesia</i>	62	25
<i>Japan</i>	57	35
<i>Pakistan</i>	79	5
<i>Brazil</i>	53	30
Mexico	39	43
<i>Kenya</i>	85	12
Not asked in Egypt.		

Source: Pew Global Attitudes Project, 2011

Table 3 also shows that positive assessments of China's growing economy are most widespread in the Middle East, where majorities in the Arab countries surveyed, as well as Israel, agree that China's economic growth benefits their country. Within Asia, only Indians offered negative views with just 29% describing an expanding Chinese economy as a good thing and 40% saying it is 'a bad thing' for their country. Turkey appeared to be the state least satisfied with Chinese growing development as only 13 percent of people polled look positively at China's economic development.⁷⁴

Thus, the results obtained from the PGAP surveys show that there is a general positive perception of China's successful development as well as favorable interpretation of economic

⁷⁴ Ibid.

cooperation with Beijing for other states. The states consider developing trade relations with China as advantageous. Therefore, the survey outcomes underpin the above mentioned claim about the role of beneficial trading relationship and positive impact it produces on China's image and, as a result, its soft power. However, the data also illustrates that some states, for instance India or Turkey, express quite negative attitudes about China's economic rise. This may possibly be conditioned by political factors and presence of particular tensions in relations of those states with China.

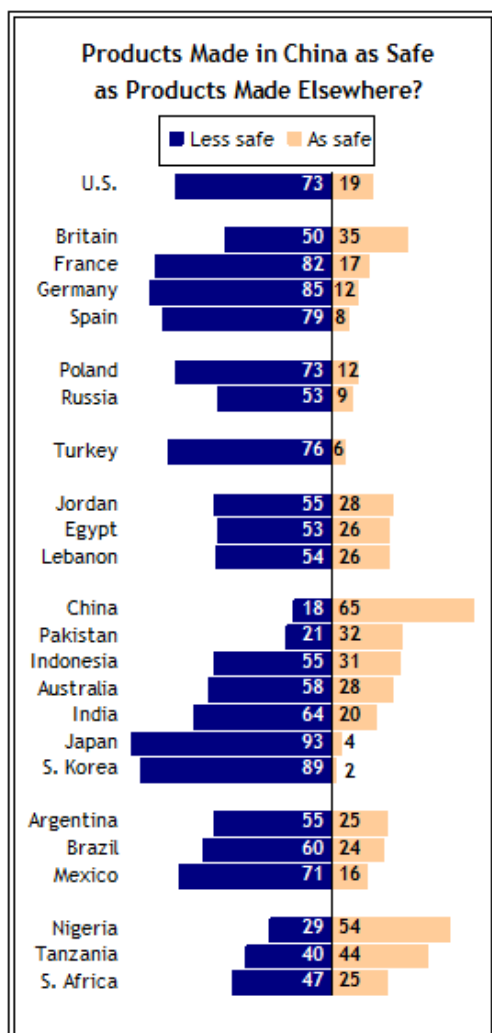
The claim about impact of profitable relations on China's image is also supported by the analysis of statements made by officials from different nations with regard to China's accession to WTO trade norms. For instance, U.S. Trade Representative Robert Zoellick underlined that China's participation in the WTO regime is a boost for everyone. Additionally, Finance Minister of France Laurent Fabius noted that WTO needs China to be called a 'world' organization, arguing that its accession provides an impetus for global trade in general. Furthermore, Nigerian Trade Minister Mustapha Bello also pointed that his country views China as a good partner and cooperation with it as advantageous.⁷⁵

However, China's reputation as a responsible trade partner is also overshadowed by certain challenges. Despite strong motivation and effort to comply with international obligations, which will be discussed in more detail in the second part of this chapter, China is often quite far from being perceived as a state committed to international legal norms. In terms of trade relations, one of the major sources of dissatisfaction of other states is the quality of Chinese products. According to the 2008 PGAP survey represented in *Table 4* below, states express significant skepticism about the quality of Chinese products: in 19 of 24

⁷⁵ Robert Zoellick, Laurent Fabius, and Mustapha Bello quoted in "China Officially Joins WTO," *CNN*, November 10, 2001, http://articles.cnn.com/2001-11-10/world/china.WTO_1_wto-meeting-wto-director-general-mike-moore-world-trade-organization?_s=PM:asiapcf. (Last access: 17 May 2012).

countries, at least half believe that Chinese products are less safe than those produced in other states.⁷⁶

Table 4: Assessment of Quality of Chinese Products



Source: Pew Global Attitudes Project, 2008

Certainly, not only the accession to international obligations matters for a state's soft power but compliance with the undertaken obligations is significant as well. The next subsection seeks to illuminate this issue.

⁷⁶ "Global Economic Gloom – China and India Notable Exceptions. Survey Report" (Pew Global Attitudes Project, June 12, 2008), <http://www.pewglobal.org/2008/06/12/global-economic-gloom-china-and-india-notable-exceptions/>. (Last access: 18 May 2012).

2.2 China's Compliance with WTO Obligations

Although opinions on China's compliance with international trade norms vary in some aspects, as a whole monitors mainly agree that Beijing has made many efforts to fulfill its trade commitments, though much remains to be done.⁷⁷ China's adherence to the WTO obligations can be assessed with the help of different mechanisms, including bilateral instruments, such as annual report issued by the United States on China's compliance with the WTO requirements,⁷⁸ or multilateral tools, including the Dispute Settlement Mechanism. The latter has a number of advantages as an approach to evaluate how compliant China is. One of them lies in the objectivity that is provided due to multilateralism of the system.⁷⁹ Unlike bilateral measures assessment of dispute settlement involves all WTO members, including China itself. Complaints issued against China within the WTO framework manifest concerns of other states about China's compliance with the undertaken obligations. This is because all states can lodge disputes when they believe China did not abide by WTO rules in a particular case. Thus, analyzing disputes demonstrates how actors in general assess China's commitment to international law.

According to WTO statistics, up until now China has been a respondent only in 26 WTO disputes, which is roughly five percent of all disputes.⁸⁰ In contrast, between 2001 and 2010 the U.S. was the most challenged WTO member (110 cases, or about 26 percent), followed by the EU (70 cases, or about 17 percent).⁸¹ However, the recent trend indicates

⁷⁷ Gerald Chan, «China and the WTO: The Theory and Practice of Compliance», *International Relations of the Asia-Pacific* 4, № 1 (January 2, 2004): 47–72.

⁷⁸ Since China's accession to WTO the United States Trade Representative has issued annual report on Beijing's compliance with obligations undertaken in connection with its accession to the organization. Quoted in website of the Office of the United States Trade Representative: <http://www.ustr.gov/>. (Last access: 28 May 2012).

⁷⁹ Up until now, China has been involved in 124 WTO cases in various capacities: 8 as complainant, 26 as respondent and 89 as a third party.

⁸⁰ Member Information: China and WTO. *WTO website*.

http://www.wto.org/english/thewto_e/countries_e/china_e.htm. (Last access: 18 May 2012).

⁸¹ Wei Zhuang, «An Empirical Study of China's Participation in the WTO Dispute Settlement Mechanism: 2001-2010», *The Law and Development Review* 4, no. 1 (2011), Article 6.

growing number of cases against China.⁸² China was officially in transitional period until 2006; after the end of its period Beijing became much more involved in WTO dispute settlement. Thus, since 2007 China has been part of more than five cases annually. Moreover, 2009 is considered as ‘the year of China for the WTO dispute settlement’ because half of the cases filed that year involved China.⁸³ Reportedly there is a likelihood that this tendency will continue given the rapid development of China’s economy and growth of foreign trade.⁸⁴

Issuance of complaints against China, however, demonstrates that its compliance with the WTO obligations has not been perfect. The main source of disputes against China derives from a so-called protectionist approach which it applies. For instance, despite the fact that China’s automobile industry and car market are now both the world’s largest, Beijing continues to shelter them behind the highest trade barriers of any large industrial economy.⁸⁵ However, the increase in number of disputes against China can also be explained by the fact that larger economies usually face a greater number of disputes. This implies that since China’s economy has been growing very fast, the number of complaints against it has also grown accordingly.⁸⁶ In addition, as argued by Wei Zhuang, China faces an increasing

⁸² The cases against China most frequently refer to the 1994 General Agreement on Tariffs and Trade (GATT 1994). The Agreement is cited in 18 respondent cases involving China. This means that trade in goods still constitutes the most important source of frictions between China and other WTO members. In particular, China has faced complaints about subsidies more than any other WTO member. The US initiated more than half of the disputes against China, with the first case being filed in 2004. The European Union is second largest complainant against China. It is argued that the US and EU issue complains against China more often because they are the largest trade partners of China and, therefore, have naturally more related interests. Importantly, Japan, South Korea and Taiwan, being also big trading partners of China, have never initiated any complaints against China in the WTO. Cited in Chi Manjiao, “China’s Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts,” *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29–49.

⁸³ Wei Zhuang, “An Empirical Study of China’s Participation in the WTO Dispute Settlement Mechanism: 2001–2010”, *The Law and Development Review* 4, no. 1 (2011), Article 6.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ «Settling trade disputes: When partners attack», *The Economist*, February 2010. <http://www.economist.com/node/15502811>. (Last access: 2 April 2012).

number of disputes against itself because it has been very difficult for the state to introduce all legal WTO commitments during such a short period of time.⁸⁷

In general, China's response to complaints by other WTO members constitutes a valuable source of favorable reputation of the state. This argument rests on the analysis of implementation of the WTO Dispute Settlement Body⁸⁸ decisions by Chinese Government. This is primarily because China has proved to have a good record of discharging decisions of the Dispute Settlement Body. So far, China conceded in almost all cases initiated against it by other states.⁸⁹ In addition, Beijing has demonstrated its strong motivation to implement all the decisions in good faith and due time⁹⁰, which eventually has a positive impact on its reputation.

The case '*China-Grants, Loans and Other Incentives*' (DS387, 388, 390)⁹¹ issued against China illustrates that Beijing is motivated to gain international approval as a faithful trade partner. In this dispute China had to terminate its subsidies to domestic companies under pressure of the U.S., Guatemala and Mexico. It is interesting how China reacted to the demands of the counterparties: it was apt to concede to the claim; although it could take more time to adapt to the new requirements as well as offer its own interpretation of the vague WTO provisions, China decided not to use these advantages.⁹² Significant readiness of China to cooperate with its counterparties in finding solutions for disputes reflects an important shifting trend in promoting its better image.

⁸⁷ Wei Zhuang, "An Empirical Study of China's Participation in the WTO Dispute Settlement Mechanism: 2001-2010", *The Law and Development Review* 4, no. 1 (2011), Article 6.

⁸⁸ Dispute Settlement Body is a WTO organ that makes decisions on trade disputes between governments that are adjudicated by the Organization.

⁸⁹ Those include for instance 'China-Value-Added Tax on Integrated Circuits' (DS309); 'China-Taxes' (DS358,359); 'China-Measures Affecting Financial Information Services and Foreign Suppliers' (DS372,373,378); 'China-Grants, Loans and other Incentives' (DS387, 388, 390) etc.

⁹⁰ Chi Manjiao, "China's Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts," *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29-49.

⁹¹ "WTO Dispute Settlement. The DS387 Dispute" (WTO, 2008), http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds387_e.htm. (Last access: 29 May 2011).

⁹² Wei Zhuang, "An Empirical Study of China's Participation in the WTO Dispute Settlement Mechanism: 2001-2010," *The Law and Development Review* 4, no. 1 (October 2011): 1130.

China's compliance with the WTO decisions gains even more importance taking into account internal challenges that China faces with regard to implementation of the WTO rulings. In particular, Zhuang Wei suggests that Chinese law is silent with regard to the legal status of the Dispute Settlement Body rulings and recommendations within its domestic legal system, and there are no clear domestic procedures for implementing the rulings. In fact, China manages to successfully implement all the rulings due to the existing good will and a highly centralized regime.⁹³ This demonstrates China's ambition to increase its soft power by complying with international obligations. As a whole, China's recognition of the superiority of WTO decisions on disputes make cooperation with it more predictable for other states and trade relations more attractive due to Beijing's stronger accountability.

Moreover, China's initiation of its own disputes against other WTO members and greater engagement into the WTO legal system adds valuable contribution to consolidation of its reputation as an active and responsible legal actor. In general at the beginning of its WTO membership China seemed to be defensive in dispute settlement. Since its accession in 2001 Beijing has initiated few complaints, which is quite unusual for that large a world trading power.

Wei Zhuang identified several reasons explaining why China has not been that active as a complainant in the WTO. First of all, China has different legal traditions, according to which its Government prefers to settle disputes behind closed doors. Secondly, China does not have a very advanced legal capacity compared to that of developed countries. Finally, accession conditions to which China has agreed limit its right to complain.⁹⁴ However, recently we have started to observe China's growing willingness to bring disputes to the WTO as a complainant. Positioning itself as an abiding state it has gradually become more assertive

⁹³ Zhuang, Wei. "An Empirical Study of China's Participation in the WTO Dispute Settlement Mechanism: 2001-2010". *The Law and Development Review* 4, no. 1 (2011): Article 6.

⁹⁴ Ibid.

and began to take advantage of the dispute settlement system as an essential instrument of its participation in global trade governance.⁹⁵

China has issued complaints only against the U.S. and the EU so far. This is primarily because they constitute China's largest export markets and largest sources of technology imports. In its complaints China has invoked mostly the GATT 1994 Agreement, as well as to a lesser extent the Anti-dumping Agreement, the Agreements on Agriculture, Safeguards and others.⁹⁶

Importantly, Beijing has gained success with initiating trade disputes against other states. For instance, in 2010 three disputes were judged in favor of Beijing.⁹⁷ Later in 2011, Beijing also won victory in a case against the U.S. on anti-dumping and anti-subsidy duties imposed against Chinese exports in 2007.⁹⁸ Favorable judgments by WTO Dispute Settlement Body make China's position and trade claims more legitimate and as a result contribute to its image as an equal and responsible partner.

As a whole, participation in the WTO engages China into the legal international order more tightly and makes it a more compliant actor, which as a result improves its image as a responsible state. China's involvement in the dispute settlement transfers Chinese laws from mere nominal existence to truly operable rules and demonstrates that dispute settlement mechanism based on rules constitutes a powerful and effective tool guaranteeing that the laws are strictly followed by all members.⁹⁹ In addition, the WTO also helps China increase the transparency of its trade governance regime. This is because involvement in numerous WTO

⁹⁵ Chi Manjiao, "China's Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts," *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29–49.

⁹⁶ Ibid.

⁹⁷ China gained victory in the following cases in 2010: 'US-Steel Safeguards' (DS252); 'US-Poultry' (DS392); EC-Fasteners (DS397).

⁹⁸ John W. Miller, "Trade Body Rules in Beijing's Favor," *Wall Street Journal*, March 12, 2011, sec. World News, <http://online.wsj.com/article/SB10001424052748703327404576194783274423052.html>. (Last access: 17 May 2012).

⁹⁹ Ibid.

disputes exposes China to the scrutiny of the global trade court.¹⁰⁰ Thus, China even started to issue white papers on foreign trade issues, with the first one having being released on foreign trade achievement and its contributions to the global economy in 2011.¹⁰¹

It is worth noting that Chinese Government has taken various measures to enhance its WTO litigation capacity in order to improve its preparedness for future disputes. For instance, leading Chinese law schools began to offer specialized courses on WTO law and dispute settlement, as well as a number of think-tanks to WTO issues being established, such as, for instance, the Shanghai WTO Affairs Consultation Center.¹⁰² Therefore, with the lapse of time and after being involved in many disputes China has become more efficient as it has gradually learnt the daily processes of WTO dispute settlement.

Owing to all the measures that China has undertaken its soft power has grown, which can be illustrated by China's increased influence within WTO. Thus, China has also become the most active third party in WTO disputes, followed by the U.S. and EU. This experience also helps Beijing gain litigation skills and train its lawyers through third party participation.¹⁰³

Essential characteristic of Chinese image within WTO concerns its relations to developing states. Remaining faithful to its overall commitment to developing world China has not filed a single case against the developing countries. However, as Manjiao argues, this does not mean that Beijing has no trade frictions with those countries. On the contrary, according to China's Ministry of Commerce, disagreements with developing countries, especially Brazil, Mexico, South Africa, India, and Turkey, have aggravated. In particular, nowadays the mentioned 'new-economies' often launch anti-dumping investigations against

¹⁰⁰ Ibid.

¹⁰¹ "China's Foreign Trade" (Information Office of the State Council The People's Republic of China, December 2011), <http://english.cntv.cn/20111207/114390.shtml>. (Last access: 23 May 2012).

¹⁰² Chi Manjiao, "China's Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts," *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29–49.

¹⁰³ Ibid.

Chinese exports.¹⁰⁴ It is difficult to explain why China does not resort to its legal right within the WTO settlement system when it comes to developing countries. It may be the fact that by avoiding suing the developing countries before the international trade court, China intends to preserve its self-positioning as a developing country in the international community.¹⁰⁵ This illustrates that apart from China's intention to represent itself as a responsible trade partner, it also strives to play the role of the representative and, more importantly, defender of developing states. Such strategy pursued by China may also explain more tangible support of China's economic growth by developing states that was described in the first part of this Chapter (excluding some exceptions, such as for instance India).

Therefore, China's image as a trade partner is quite positive given that economic cooperation with the state is viewed as beneficial by many WTO members. Nevertheless, the fact that many states have been initiating disputes against China within the WTO dispute system demonstrates that China's compliance with its trade obligations has not been exceptionally good. However, China has made a great deal of efforts in order to comply with its obligations and create a more positive image. This claim is underpinned by the fact that China started to actively resort to international legal instruments available within WTO system, which consolidates its reputation as a responsible trade partner.

¹⁰⁴ Ibid.

¹⁰⁵ Chi Manjiao, "China's Participation in WTO Dispute Settlement Over the Past Decade: Experiences and Impacts," *Journal of International Economic Law* 15, no. 1 (March 1, 2012): 29–49.

CHAPTER 3: CHINA'S INVOLVEMENT IN THE ENVIRONMENTAL PROTECTION

Since 2008 China has become the biggest world emitter.¹⁰⁶ Although Beijing has signed one of the key environmental accords, the Kyoto Protocol,¹⁰⁷ it has never undertaken binding obligations to cut its emissions. Therefore, the case of environmental protection differs from the first case study. Although China has actively participated in international negotiations on environmental protection, it is often portrayed as a state blocking progress of cooperation on addressing climate change. Environmental protection produces considerable impact on China's image. In particular, criticism about China's inaction in addressing climate change has caused a significantly damaging impression about China on the international level. This is also because environmental protection constitutes a major global problem that has become one of the priorities for the international community. In this chapter the relationship between China's soft power and its obligations undertaken in the field of environmental protection will be traced. As in the previous chapter attention will be given to the specific obligations that China has undertaken, the level of its compliance with them, as well as the image China has acquired in environmental protection.

3.1 China's Accession to International Environmental Obligations

The environmental protection has been perceived as a growing concern by the public around the world. According to the 2008 survey conducted by the Pew Global Attitudes Project (PGAP), majorities in 14 of the 24 countries surveyed see global warming as a very

¹⁰⁶ Evans, Lisa and Simon Rogers. "World Carbon Dioxide Emissions Data by Country: China Speeds Ahead of the Rest." *The Guardian*, January 31, 2011. <http://www.guardian.co.uk/news/datablog/2011/jan/31/world-carbon-dioxide-emissions-country-data-co2>. (Last access: 5 May 2012)

¹⁰⁷ The negotiations on an agreement on climate change started in 1990-s. The Kyoto Protocol itself was signed in Japan in December 1997 and provided for legally binding obligations to cut the greenhouse emissions. The Kyoto Protocol came into effect in 2005 obliging 38 developed countries to reduce their greenhouse gas emissions between 2008 and 2012 by an average of 5.2 percent below 1990 levels.

serious problem, which has demonstrated an increase since 2007.¹⁰⁸ The priority and global nature of environmental protection enables a state to cultivate its soft power through adhering to related international rules. This is partially because finding ways to address this challenge is only possible through joint effort in which all participants have to fulfill generally recognized legal norms in order to ensure international cooperation.¹⁰⁹ Adoption of international environmental rules demonstrates the responsibility of a state and legitimacy of its actions in the field of environmental protection, and therefore gains international prestige. So far, the international community has adopted a great deal of international instruments in the field of environmental protection.¹¹⁰

In the Chinese context, environmental pollution constitutes one of the biggest internal challenges. Today Beijing is the largest emitter of carbon dioxide.¹¹¹ According to the report of the Council on Foreign Relations, China's major environmental challenges include, water pollution, land desertification, greenhouse gases, and air pollution from automobiles.¹¹² About one-third of the Chinese population does not have access to clean drinking water; annually China loses 5,800 square miles of grasslands; in 2008, China surpassed the United States as the largest global emitter of greenhouse gases by volume; and acid rain falls over 30 percent

¹⁰⁸ "Global Economic Gloom – China and India Notable Exceptions. Survey Report" (Pew Global Attitudes Project, June 12, 2008), <http://www.pewglobal.org/2008/06/12/global-economic-gloom-china-and-india-notable-exceptions/>. (Last access: 18 May 2012).

¹⁰⁹ "Protection of the Environment" (Britannica Online Encyclopedia.), <http://www.britannica.com/EBchecked/topic/291011/international-law/233520/Protection-of-the-environment>. (Last access: 14 April 2012).

¹¹⁰ They, for instance, include the Stockholm Declaration (1972), the Rio Declaration (1992) issued by the United Nations Conference on Environment and Development; the Convention on Long-Range Transboundary Air Pollution (1979), the Law of the Sea treaty, the Vienna Convention for the Protection of the Ozone Layer (1985), the amended Convention on Marine Pollution from Land-Based Sources (1986), the Convention on Environmental Impact Assessment in a Transboundary Context (1991), the Convention on Biological Diversity (1992), the United Nations Framework Convention on Climate Change (1992), and the Kyoto Protocol (1997).

¹¹¹ Evans, Lisa and Simon Rogers. "World Carbon Dioxide Emissions Data by Country: China Speeds Ahead of the Rest." *The Guardian*, January 31, 2011. <http://www.guardian.co.uk/news/datablog/2011/jan/31/world-carbon-dioxide-emissions-country-data-co2>. (Last access: 5 May 2012)

¹¹² Carin Zissis and Jayshree Bajoria, "China's Environmental Crisis" (*Council on Foreign Relations*, August 2008), <http://www.cfr.org/china/chinas-environmental-crisis/p12608>. (Last access: 4 May 2012).

of the country.¹¹³ According to the International Energy Agency, if China does not take appropriate measures to curb emissions, it would emit more carbon dioxide during the next 25 years than the world's 26 richest countries combined.¹¹⁴

By all accounts, it is quite challenging to find evidence that soft power can directly come from adoption of international treaties. However, the argument can be easier proved by contradiction. For instance, illustrative are the examples of cases when states decide not to join significant international agreements, which in the end brings damage to their image, and therefore soft power. In particular, the United States has been widely criticized for not having signed the Kyoto Protocol.¹¹⁵ PGAP reported that this exerted negative impact on the U.S. international image: Bush's decision to quit from the Kyoto Protocol provoked severe dissatisfaction in the European countries, with only one-in-ten British, French and Germans, and 12% of Italians supporting Bush's decision on the protocol.¹¹⁶ Another example can be demonstrated by the case of Canada, who decided to formally withdraw from the Kyoto Protocol. In particular, Minister of the Environment of Canada, Peter Kent, announced the accession to the Kyoto Protocol 'the legacy of an incompetent Liberal government', which was condemned by the international community and is likely to damage the international prestige of Ottawa.¹¹⁷

¹¹³ Ibid.

¹¹⁴ Jim Yardley, "China Releases Climate Change Plan," *New York Times*, June 4, 2007, <http://www.nytimes.com/2007/06/04/world/asia/04cnd-china.html>. (Last access: 7 May 2012).

¹¹⁵ "Kyoto Protocol," *The New York Times*, December 12, 2011, http://topics.nytimes.com/topics/reference/timestopics/subjects/k/kyoto_protocol/index.html. (Last access: 23 May 2012).

¹¹⁶ "Bush Unpopular in Europe, Seen As Unilateralist. Survey Report" (Pew Global Attitudes Project, August 15, 2001), <http://www.pewglobal.org/2001/08/15/bush-unpopular-in-europe-seen-as-unilateralist/>. (Last access: 12 May 2012).

¹¹⁷ Richard Black, "Canada Under Fire over Kyoto Protocol Exit," *BBC News*, December 13, 2011, <http://www.bbc.co.uk/news/world-us-canada-16165033>. (Last access: 30 April 2012).

Concerning international legal obligations undertaken by China in the field of environmental protection, Beijing has adopted more than fifty international treaties.¹¹⁸ Therewith China has demonstrated willingness to accept international environmental norms and support international climate accords, which enhances its soft power and enables it to gain respect from others.¹¹⁹ Regarding the Kyoto Protocol, although China ratified the Protocol, as a developing state it has never undertaken binding obligations to reduce its gas emissions, which has resulted, in contrast, in reputational losses for the state.

Today China faces criticism with regard to its position in further negotiations on climate change and its reluctance to agree to adoption of strict emission reduction targets. Developed countries mainly accuse China of blocking the Copenhagen Summit on Climate Change.¹²⁰ In practice, approximately half of the current emission is produced by the developing states, however emissions from the industrialized states constitute the main course of the problem since the 18th century.¹²¹ Naturally most developed countries intend the new treaty to bind both industrialized and developing states, including China and India, to reduce their emissions.¹²² However, China, as well as other major developing states such as India and Brazil, continuously obstructed substantive policy proposals and were reluctant to reciprocate to Western concessions with their own policy commitments.¹²³ This position has caused a

¹¹⁸ They include the Kyoto Protocol, the UNFCCC, Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol, the Stockholm Convention on Persistent Organic Pollutants, the Convention on Biological Diversity, the UN Convention to Combat Desertification, Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals Pesticides in International Trade, and the International Convention for the Regulation of Whaling etc.

¹¹⁹ Gang Chen. China's climate diplomacy and its soft power. Chapter in *Soft power: China's emerging strategy in international politics* / edited by Mingjiang Li (Lanham: Lexington Books, 2009).

¹²⁰ The UN Climate Change Conference or Copenhagen Summit was held between 7 and 18 December 2009 and was aimed at renewing the Kyoto Protocol.

¹²¹ Radoslav S. Dimitrov, "Inside UN Climate Change Negotiations: The Copenhagen Conference," *Review of Policy Research*, no. Oct, 27 6 (2010): 795–821.

¹²² Ibid.

¹²³ Radoslav S. Dimitrov, "Inside UN Climate Change Negotiations: The Copenhagen Conference," *Review of Policy Research*, no. Oct, 27 6 (2010): 795–821.

great deal of criticism against China from the industrialized states, which creates negative impression about the state.

As the 2008 PGAP survey demonstrates, most of the people name the United States as a state that hurts the world's environment the most, which is illustrated by the opinions presented in the *Table 5* below.

Table 5: Who Hurts the World's Environment the Most?

Who Hurts the World's Environment the Most?			
	China %	U.S. %	Diff.
U.S.	40	22	+18
Spring, 2007	22	33	-11
Britain	40	36	+4
Spring, 2007	31	41	-10
France	34	35	-1
Spring, 2007	23	53	-30
Germany	39	34	+5
Spring, 2007	33	45	-12
Spain	17	51	-34
Spring, 2007	7	56	-49
Poland	23	26	-3
Spring, 2007	11	29	-18
Russia	18	28	-10
Spring, 2007	14	26	-12
Turkey	6	46	-40
Spring, 2007	3	61	-58
Egypt	20	22	-2
Spring, 2007	19	27	-8
Jordan	19	24	-5
Spring, 2007	19	22	-3
Lebanon	18	36	-18
Spring, 2007	19	37	-18
Australia	46	24	+22
China	9	26	-17
Spring, 2007	11	38	-27
India	21	21	0
Spring, 2007	10	25	-15
Indonesia	11	42	-31
Spring, 2007	6	52	-46
Japan	67	17	+50
Spring, 2007	34	36	-2
Pakistan	1	51	-50
Spring, 2007	1	41	-40
S. Korea	64	19	+45
Spring, 2007	56	30	+26
Argentina	7	54	-47
Spring, 2007	3	49	-46
Brazil	11	44	-33
Spring, 2007	6	49	-43
Mexico	13	38	-25
Spring, 2007	11	39	-28
Nigeria	11	24	-13
S. Africa	16	11	+5
Tanzania	5	27	-22

Respondents were asked which country is hurting the world's environment the most among the U.S., China, India, Germany, Brazil, Japan and Russia.

Source: Pew Global Attitudes Project, 2008

In addition, it is often believed that this is because of China's obstructionist position that global effort fails to address climate change.¹²⁴ As the table above shows, the public increasingly points to China as a danger for the environment as well. This view has grown significantly in more than half of the countries where trends are available (thus, Beijing is accused of environmental problems more often by the Japanese, South Koreans, Australians, Americans and Germans).¹²⁵

Moreover, the *Table 6* below demonstrates that very few name China as a state that can be trusted to protect the world's environment.

Table 6: 'Who Helps the Environment?'

Who Is Most Trusted to Protect the World's Environment?							
	Germany	U.S.	Japan	Brazil	China	India	Russia
	%	%	%	%	%	%	%
U.S.	15	57	7	4	2	3	1
Britain	45	12	8	3	4	3	1
France	71	6	6	6	2	3	3
Germany	80	3	2	2	1	2	2
Spain	38	9	7	5	4	7	1
Poland	25	24	16	6	2	1	1
Russia	26	5	19	3	3	3	18
Turkey	19	4	10	1	2	3	1
Egypt	14	7	18	5	13	7	2
Jordan	12	8	15	6	14	7	4
Lebanon	25	7	9	8	6	2	4
Australia	43	21	7	5	2	1	1
China	8	7	6	2	42	2	2
India	3	16	7	3	3	54	3
Indonesia	8	16	32	5	10	3	2
Japan	36	4	34	2	2	5	2
Pakistan	2	7	7	1	44	4	0
S. Korea	33	13	23	5	1	3	1
Argentina	18	9	13	8	6	3	2
Brazil	11	14	12	43	5	3	0
Mexico	11	19	9	5	13	7	5
Nigeria	6	48	4	2	22	2	2
S. Africa	12	28	5	6	8	4	2
Tanzania	11	18	6	11	7	5	4

Source: *Pew Global Attitudes Project, 2008*

¹²⁴ Julianne Smith and Jesse Kaplan. The faulty narrative. Fact, fiction, and China's efforts to combat climate change. Chapter in *Chinese soft power and its implications for the United States: competition and cooperation in the developing world*: a report of the CSIS smart power initiative / editor, Carola McGiffert (Washington, D.C.: CSIS (Center for Strategic & International Studies), 2009).

¹²⁵ "Global Economic Gloom – China and India Notable Exceptions. Survey Report" (Pew Global Attitudes Project, June 12, 2008), <http://www.pewglobal.org/2008/06/12/global-economic-gloom-china-and-india-notable-exceptions/>. (Last access: 18 May 2012).

The majority of the people polled say that Germany can be most trusted in protecting the world's environment among the following seven countries: Germany, the United States, Japan, Brazil, China, India, and Russia.¹²⁶ The *Table 6* also shows that, apart from the Chinese themselves, only Pakistanis trust China the most to protect the environment as 44 percent of respondents in Pakistan favorably answered this question about China.¹²⁷ Pakistan's surprisingly high level of approval of China possibly is encouraged by long-term mutually supportive relations between the two countries, including China's support for Pakistan in the Kashmir dispute, advanced trade relations and benefits that both sides received from other fields of cooperation.

It is remarkable, however, that developing states have more favorable opinions about China than the developed states.¹²⁸ The reason for this rests mainly with China's numerous efforts to position itself as a leader of developing states and support their interests. For instance, it played a key role in unifying the position of the developing states during the negotiations on the Kyoto Protocol.¹²⁹ As argued by Gang Chen, China has increased much of its soft power among developing states through participating in the negotiations on the Kyoto Protocol. The author argues that adoption of the Protocol demonstrated China's soft power which enabled the state to influence adoption of international rules satisfying its interests.¹³⁰ This is because the agreement is based on the so-called principle of 'common but differentiated responsibility' supported by China, and as a result it binds only developed

¹²⁶ Ibid.

¹²⁷ Ibid.

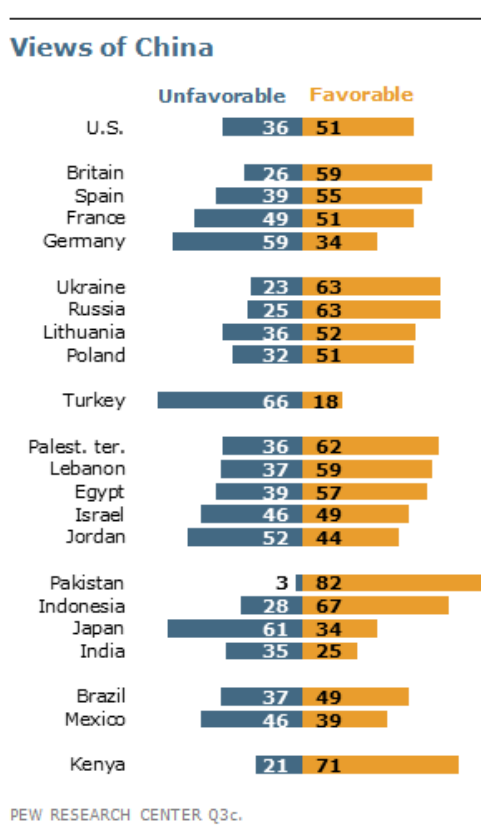
¹²⁸ "China Seen Overtaking U.S. as Global Superpower. Survey Report" (Pew Global Attitudes Project, July 13, 2011), <http://www.pewglobal.org/2011/07/13/china-seen-overtaking-us-as-global-superpower/>. (Last access: 26 May 2012).

¹²⁹ Gang Chen. China's climate diplomacy and its soft power. Chapter in *Soft power: China's emerging strategy in international politics* / edited by Mingjiang Li (Lanham: Lexington Books, 2009).

¹³⁰ Ibid.

countries to cut their gas emissions.¹³¹ Therefore, according to the Kyoto Protocol, China and other developing states have no binding responsibilities to cut their emissions. For this diplomatic victory of China in the negotiations, it has received much support from developing states. The *Table 7* below illustrates the prevailing favorable attitudes in many developing states.

Table 7: Views of China



Source: Pew Global Attitudes Project, 2011

However, as a whole China has a rather unattractive image as a participant of the environmental protection regime. This is to a certain extent conditioned by its reluctance to take binding obligations to address the climate change, despite being the biggest world gas emitter.

¹³¹ "Making Those First Steps Count: An Introduction to the Kyoto Protocol" (UN Framework Convention on Climate Change), http://unfccc.int/essential_background/kyoto_protocol/items/6034.txt.php. (Last access: 5 May 2012).

3.2 China's Compliance with Environmental Obligations

Importantly, China has taken a great deal of steps aimed at addressing its environmental risks on the domestic level, which can characterize it as a responsible state. It has been admitted by the Chinese Government that climate change provokes negative effects on Chinese economic and social development.¹³² Thus, estimates demonstrate that environmental degradation costs China the equivalent of between 8 and 12 percent of its GDP per year.¹³³ These are primary reasons for China's intensified internal measures to resolve the environmental challenge, which also include China's active public diplomacy initiatives and adoption of relevant legal instruments as well as papers. However, an intention to improve its image on the global environmental scene could also be seen as a reason for China's recent activities in this field.

China officially recognized climate change and global warming as a threat. Most importantly, in 2007 Chinese Government adopted a National Climate Change Plan that constitutes its first comprehensive strategy aimed at improving energy efficiency and controlling greenhouse gas emissions.¹³⁴ For instance, the United States, the second largest emitter today, has not yet adopted a domestic action plan aimed at reduction of its own greenhouse gas emissions, and has been widely criticized for that.¹³⁵ Although President Obama suggested that American emissions should be decreased 17 percent below the 2005

¹³² "China's Policies and Actions for Addressing Climate Change," *Chinese Government's Official Web Portal*, November 2011, http://www.gov.cn/english/official/2011-11/22/content_2000272.htm. (Last access: 12 May 2012).

¹³³ Julianne Smith and Jesse Kaplan. The faulty narrative. Fact, fiction, and China's efforts to combat climate change. Chapter in *Chinese soft power and its implications for the United States: competition and cooperation in the developing world: a report of the CSIS smart power initiative* / editor, Carola McGiffert (Washington, D.C.: CSIS (Center for Strategic & International Studies), 2009).

¹³⁴ Jim Yardley, "China Releases Climate Change Plan," *New York Times*, June 4, 2007, <http://www.nytimes.com/2007/06/04/world/asia/04cnd-china.html>. (Last access: 7 May 2012).

¹³⁵ "Kyoto Protocol," *The New York Times*, December 12, 2011, http://topics.nytimes.com/topics/reference/timestopics/subjects/k/kyoto_protocol/index.html. (Last access: 23 May 2012).

level by 2020, the proposal was blocked by the Senate.¹³⁶ This presents China in a more favorable light and as a more reliable partner in comparison with the U.S. Interestingly, Smith and Kaplan argue that there exists a myth about China's indifference toward environmental protection, which, in its turn, helps justify the U.S. inaction in addressing climate change. Furthermore, they note that Beijing's approach to the environment is not 'a strategic threat', but 'most of all a strategic opportunity.'¹³⁷

In 2011 Beijing also issued a related white paper 'China's Policies and Actions for Addressing Climate Change.'¹³⁸ In this paper Beijing admitted the danger of climate change and its negative impact on its country, as well as declared its commitment to contributing to combating global warming. The goal of the white paper is framed as a way to interpret China's position on environmental protection to the international community. It is mentioned that therewith China intends to fully explain its policies and actions for addressing climate change and report on the results of the goals set internally with regard to environmental protection.¹³⁹ This is a very prominent step aimed at improving its image as by publishing more official positions on different topics and reporting on its achievements to the international community China attempts to show that it is a responsible state and that it is committed to contributing to international efforts in environmental protection.

Furthermore, the Chinese 12th Five-Year-Plan that lists goals for 2011-2015 for the first time included environment and clean energy issues. In particular, it stipulated a commitment to introduce market mechanisms controlling carbon pollution and highlighting strategic emerging industries, as well as established the policy of promoting green and low-

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Alex Wang, "China's Climate Change White Paper" (*Legal Planet: Environmental Law and Policy*, November 30, 2011), <http://legalplanet.wordpress.com/2011/11/30/chinas-climate-change-white-paper/>, (Last access: 17 May 2012).

¹³⁹ "China's Policies and Actions for Addressing Climate Change," *Chinese Government's Official Web Portal*, November 2011, http://www.gov.cn/english/official/2011-11/22/content_2000272.htm. (Last access: 12 May 2012).

carbon development.¹⁴⁰ This marks a change in China's attitude towards environmental protection and to its image as a responsible state. Undoubtedly, there is a great difference between formal adoption of the documents and their implementation. However, bringing the issue of environmental protection on the agenda, domestically and internationally, already signals that China intends others to view it as a committed partner.

Beijing develops its national actions plan on climate change on voluntary basis. Despite the lack of binding obligations at the international level, China has sought to reduce its emission of greenhouse gas relative to its Gross Domestic Product on its national level.¹⁴¹ It is remarkable that among developing states China has set the highest target to reduce its emissions, as demonstrated in the *Table 8* below:

Table 8. National Policy Plans by Major Developing Country

Country	Policy Plan by 2020
Brazil	36–39% emission reductions below 1994
China	40–45% cuts in carbon dioxide emission intensity of GDP and 15% renewable energy share of energy consumption
India	20–25% cuts in emission intensity of GDP
Korea	30% cuts below 1990
Mexico	30% cuts below 1990
South Africa	34% cuts below current levels

Source: Radoslav S. Dimitrov. Inside UN Climate Change Negotiations: The Copenhagen Conference. Review of Policy Research, Volume 27, Number 6 (2010), pp. 795-821

China has taken a great deal of action to combat climate change on voluntary basis. The Chinese Government has actively pushed for the development and investment in renewable energy. Thus, in 2005, the Law of Renewable Energy was adopted, which has brought use of renewable energy to a strategic height.¹⁴² Furthermore, five sets of supporting

¹⁴⁰ "Linking the Environment and the Economy - Opportunities for Environmental Cooperation Following the Release of China's 12th Five-Year Plan", 2011, <http://ecologic.eu/3851>. (Last access: 23 May 2012)

¹⁴¹ Ann Kent, "Compliance v Cooperation: China and International Law," *Australian International Law Journal* 13 (2006): 19-32.

¹⁴² Zhang Peidong et al., "Opportunities and Challenges for Renewable Energy Policy in China," *Renewable and Sustainable Energy Reviews* 13, no. 2 (2009): 439-449.

laws were enacted.¹⁴³ These legal acts virtually belong to its domestic legislation and do not represent its international obligations. However, the fact that China voluntarily adopts such legislation on the national level has potential to contribute to its moral attractiveness abroad.

In practice, as reported by the UN Environment Program and the Frankfurt School of Finance, China became the largest investor in renewable energy projects. For instance, China's investment in this field grew 32% in 2010 to a record \$211bn.¹⁴⁴ China has also introduced strict fuel efficiency standards for automobiles which constitute the key source of pollution in China. Therefore, Chinese fuel efficiency standards were higher than those of the United States until a recent proposal of President Obama to raise them.¹⁴⁵

As pointed out by Smith and Kaplan, China has demonstrated commitment to its goal to address climate change which is proved by the increase in success of its programs. However, the results have been rather modest due to the large scope of China's emerging economy growth.¹⁴⁶ As a whole, China has not achieved a lot with its environmental initiatives. Nevertheless, in practice very few countries, except Germany and Japan, have achieved the set targets on reducing emissions, and, in addition, China appeared to be more dedicated to the environmental requirements than, for instance, India and other developing nations.¹⁴⁷ Despite the widespread criticism against China, it is fair, however, to acknowledge that it has made many efforts to combat climate change on the domestic level.

¹⁴³ In particular, they include Guidance and Content for the Development of Renewable Energy Industry, Temporary Method for Managing the Special Capital of Renewable Energy Development, Temporary Management for the Price and Cost Sharing in Renewable Energy Power Generation, Administrative Regulations on Renewable Energy Power Generation, Mid- and Long-Term Development Programming for Renewable Energy.

¹⁴⁴ James Melik, "China Leads World in Green Energy Investment," *BBC News*, September 15, 2011, <http://www.bbc.co.uk/news/business-14201939>. (Last access: 12 May 2012).

¹⁴⁵ Neela Banerjee, "U.S. Proposes Standards to Double Average Gas Mileage by 2025," *Los Angeles Times*, November 17, 2011, <http://articles.latimes.com/2011/nov/17/business/la-fi-fuel-economy-20111117>. (Last access: 18 May).

¹⁴⁶ Julianne Smith and Jesse Kaplan. The faulty narrative. Fact, fiction, and China's efforts to combat climate change. Chapter in *Chinese soft power and its implications for the United States: competition and cooperation in the developing world: a report of the CSIS smart power initiative* / editor, Carola McGiffert (Washington, D.C.: CSIS (Center for Strategic & International Studies), 2009).

¹⁴⁷ Ibid.

China has also been involved in environmental cooperation on the international level. Thus, Beijing participates in the bilateral initiatives to address global warming and emissions of gas. For instance, it is involved in the joint UK-China Near Zero Emissions Coal (NZEC) initiative. The EU-China NZEC agreement was adopted at the EU-China Summit in 2005 as part of the EU-China Partnership on Climate Change; the agreement is aimed at demonstrating advanced, near zero emissions in coal technology through carbon capture and storage in China and the EU by 2020.¹⁴⁸

Apart from that, China joined the Asia-Pacific Partnership on Clean Development and Climate targeting development of new clean energy technologies.¹⁴⁹ China acceded to the partnership in 2005 in order to enhance cooperation on addressing air pollution, and greenhouse gas emissions. In addition, partners share experiences in implementing national sustainable development strategies. It is stated that this partnership is consistent with the United Nations Framework Convention on Climate Change (UNFCCC) and complements the Kyoto Protocol.¹⁵⁰ Gang Chen suggested that establishment of this partnership demonstrates the interest of the United States and China to improve their international image, as staying inactive may greatly damage their soft power.¹⁵¹

As we see, although China has undertaken numerous internal initiatives to address the climate change, its image as an environmental protector across the globe remains poor. Failure to take biding responsibilities and adequately represent its position at further negotiations on climate change has significantly weakened its soft power and damaged its international image. Although its image is better than that of the United States, China is

¹⁴⁸ “What Is NZEC?,” *NZEC. Carbon Capture and Storage*, <http://www.nzec.info/en/what-is-nzec/>. (Last access: 4 May 2012).

¹⁴⁹ The partnership includes also Australia, Canada, India, Japan, South Korea, and the United States that are responsible together for half of the world’s energy use.

¹⁵⁰ “Asia-Pacific Partnership on Clean Development and Climate”, <http://www.asiapacificpartnership.org/english/sitemap.aspx>. (Last access: 6 May 2012).

¹⁵¹ Gang Chen. China's climate diplomacy and its soft power. Chapter in *Soft power: China's emerging strategy in international politics* / edited by Mingjiang Li (Lanham: Lexington Books, 2009).

viewed as one of the key states hurting environment. However, China managed to position itself as a defender of developing states, first of all by protecting their interests in the negotiations on the Kyoto Protocol, acquiring by this support from developing states.

CONCLUSIONS

This research investigated the correlation between China's compliance with international obligations and its soft power. In particular, its purpose was to determine ways in which fulfillment with international commitments influences China's soft power. The investigation sought to address a gap in the literature on international law as a potential source of soft power. Thus, experts mostly indentify cultural potential, economic development model, provision of financial assistance, scholarships, participation in peacekeeping operations, students' exchange programs as resources of soft power. However, there has been little discussion about the level of adherence to international commitments within the debate on soft power.

This thesis argued that soft power is linked to international law through a state's compliance with its international obligations. In order to correlate compliance with international obligations and soft power I selected two case studies: China's compliance and image in international trade regime and environmental protection regime. In both case studies I assessed Beijing's accession to international norms and fulfillment of the undertaken commitments. In order to see how China positions itself and to measure its soft power I also evaluated China's image in both international trade and environmental protection. The investigation also required analysis of China's efforts related to its international obligations that it takes with a view to consolidating its reputation.

The findings of the research suggest that China has a rather positive image as a trade partner. It was shown that Beijing's accession to and implementation of international trade obligations boosts its prestige and therefore enhances its soft power. In the context of Chinese involvement in international trade, the scope of responsibilities seems overtly significant. The nature and number of obligations Beijing undertook demonstrated that China was motivated

not only by economic benefits but also by its intention to win respect and confidence of other states.

Analysis of China's participation in the WTO dispute settlement revealed the level of its compliance with the trade obligations and its impact on reputation of the state. On the one hand, the number of cases against China has been growing, which suggests that China has not fully fulfilled its responsibilities. The research discovered that China implements the decisions of the WTO Dispute Settlement Body in due time and good faith. Faithful compliance with the decisions on disputes demonstrates China's good will and in the end creates positive impression about the state as a trade partner. Moreover, China also started to actively resort to international legal instruments available within WTO system through initiating its own complaints and won victory in several of them leading to consolidation of its reputation as an active and responsible state.

The case study on environmental protection showed that fulfillment by international obligations matters for the soft power of a state, by contradiction, however. China has not undertaken important binding international responsibilities, namely those that concern reduction of emissions. This, in large, has produced a rather negative effect on China's image in environmental protection. Thus, many states consider China as damaging the environment and do not trust it when it comes to addressing climate change. Nevertheless, China has recognized the priority of the problem and made a great deal of internal efforts in the field of environmental protection within its own borders. However, this has not in the end contributed to improvement of China's image in environmental protection.

One of the more significant findings that emerged from this study is that in both case studies China positions itself as a leader and defender of developing states. The success of this strategy is illustrated by the fact that most of the developing states in both cases have a better opinion about China than developed states. However, there were exceptions among

developing states, such as India or Turkey, who have rather negative perceptions of China. Those exceptions can possibly be explained by political tensions and challenges that exist in their particular relations with China.

The present study provides additional evidence on the existence of a strong link between soft power of a state and its accession to international obligations and compliance with them. The comparison of the two cases suggests that accession to and compliance with international norms or failure to do so influences soft power, as it can either improve or worsen the international image of a state. Therefore, the current findings therefore add to our understanding of soft power and its sources.

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