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China's Views of Sovereignty and Methods of Access Control  
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Thank you for the opportunity to testify. The questions the Commission has posed concerning China's views on sovereignty are interesting and difficult. Many Chinese would say that China's sovereignty was only restored in 1945, after more than a century of foreign domination. The ruling Communist Party would of course say that sovereignty was not restored until 1949, when it came to power.

This historical context is important for understanding China's views on sovereignty. Beginning in the early 19<sup>th</sup> century, China was occupied, divided and controlled first by European powers and then by Japan. This occupation did not end until 1945. The European and Japanese occupations help explain some of China's hyper-sensitive reaction to what it terms interference in its internal affairs. China's thinking is shaped in part by the belief that China is only reclaiming its rightful position as a great power after decades of exploitation.

China's thinking on sovereignty is also shaped by the Cold War. Between 1950 and 1990, China rejected and vociferously criticized the international order created by the U.S. and its allies at the end of the Second World War. China still at times describes the U.S. international as hegemonic. Hegemony is another leftover from Cold-War propaganda. It explains U.S. actions as being taken solely to reinforce America's global dominance and includes notions like American empire, hyperpower, and other dubious constructs. Please note that this conceptual map for explaining U.S. policy is not confined to China - it is part of a collection of wooly ideas accepted by many in Europe, Latin America and other regions.

One problem for the U.S. is that China's 'conceptual map' for international relations is shaped, and to some extent distorted by China's experience of imperialism and the cold war. The result is that China will take actions that make sense from their perspective but not from anyone else's.

In particular, this different conceptual map can lead China to misinterpret actions taken by other nations, particularly the United States.

That the U.S. is neither a hegemon nor an empire does not mean that China, along with other nations, is not seeking to constrain or reduce U.S. power, however. To the extent that the notion of hegemony influences Chinese thinking, it means that existing rules and structures for international activities are seen as intended to benefit the hegemon and for that reason, not entirely legitimate or deserving adherence.

This is a theme that is often heard in negotiations with the Chinese: that China should not be bound by international conventions created without its participation, input, or consent. This statement often accompanied by the implied suspicion that these international conventions are also designed to keep China at a disadvantage. There is at times a powerful sense of grievance among Chinese. The U.S., perhaps unfairly, is one of the principal targets for these grievances. The combination suggests that it is not so much that China seeks to expand its own sovereignty or control as much as it is unwilling to recognize or respect the international norms or sovereignty of others, particularly when these interfere with China's pursuit of its own interests.

Norms are expectations or models for behavior. There is an international norm, for example, against supplying WMD technology to others. Norms are not usually legally binding, but they can be codified in a regime (like the MTCR) or a treaty (as in the Council of Europe Cybercrime Convention). A normative approach to international relations would focus on how things should work rather than how they actually work. Adherence to international norms limits sovereign power, but behavior by a country that is contrary to a norm may result in embarrassment or stigmatization. One of the anomalies of the current international environment is that while the number of norms governing international behavior is increasing, the influence of these norms appears to be in decline.

All nations engage in the calculus of deciding when self-interest outweighs other considerations, but if policy decisions range from adherence to norms to pursuit of self-interest, China's decisions tend to cluster more on the self-interested end of the scale. China's poverty and

unhappy experiences before 1945 are sometimes held up as justification for this, along with pointed comparisons with actions the U.S. takes that appear to run contrary to international norms.

Three specific goals guide thinking and actions on China's sovereignty: an immediate and continuing goal of preventing any internal activity that could undermine the Party's control, a mid-term goal of restoring sovereign control over Taiwan and a longer term goal of rebalancing or reconstructing the international 'system' to give China more weight and influence. Some of these goals, of course, create the potential for conflict with the United States.

China's activities in cyberspace and in space are undertaken in support of these goals. It is not clear, however, that these activities represent a Chinese effort to expand sovereignty into new domains. This is not because the Chinese government has officially renounced the pursuit of hegemony - it has, and I am sure the members of the Commission find this to be a comfort - but because China is not fundamentally expansionist. It does not plan to increase its territory nor does it seek to force other nations to adopt its model of government. China would like to be the most influential country in Asia, it would like to see U.S. global influence reduced, and the Party would like to remain unchallenged in its control. These are political objectives and China's cyber and space activities are tools to help achieve them.

The primary purpose of China's space program is political. China's activities in space are primarily to affirm or enhance prestige and influence rather than build a continuous military presence. The long-term goal is to make space an integral part of China's national power.

China is the most active space power in Asia and has been building its space capabilities since the 1950s. The most visible return to China has been in prestige. China uses its space program to announce its great power status and to lay a claim to regional dominance. A White Paper on space put out by the State Council – the equivalent of the U.S. National Security Council - calls for “eye-catching achievements.” China's President Hu Jintao described the success of Shenzhou 5 as "an historic step taken by the Chinese people in their endeavor to surmount the peak of the world's science and technology."

China's manned orbital missions are only part of an ambitious program for space exploration. This includes both human and robotic efforts. China is working on a separate unmanned lunar exploration program. The lunar program has three phases planned over the next twelve years. Chang'e 1 is now orbiting the moon. The second phase will land a craft on the moon by 2012. The third phase will return lunar samples to China by 2020. China hopes that success for Chang'e will help set the stage for a manned lunar mission. China does not yet have a launcher with sufficient payload for a manned lunar program, but it has begun an R&D program for the next generation of launch vehicles.

China's attitude toward sovereignty in space is best seen as an unwillingness to defer to other nations, but China has been very circumspect in its statements, since it has no desire to begin a race with the United States or others. Thus, while we can find statements about exploring the moon and exploiting its resources, there are no stated claims to sovereignty or ownership. There are occasional statements in the official press about how China's "gorgeous" red flag will wave over the moon that imply a degree of control, but the Chinese themselves may not have thought through the issue, if only because this kind of lunar activity is a distant eventuality.

To some extent, China's unwillingness to defer to existing international norms when it comes to action in space or cyberspace risks sliding into more overt conflict. China's decision-making process is for foreign policy and security is weak and disjointed, increasing the likelihood the Beijing could miscalculate the costs of flouting international norms. We know that the Chinese can miscalculate the risks of activities. There is also the strong emotional nationalism among China's populace that Party leaders both exploit and fear. This emotional nationalism could perhaps lead to public demonstrations that would force Beijing to choose between military confrontation or a loss of regime authority.

China's anti-satellite efforts are a good example of the weaknesses in China's security and foreign policy decision-making processes. China underestimated the foreign reaction to its test. It seems that in deciding whether to shoot at a satellite, China's leaders may have neglected to consult the foreign ministry and thus were surprised by the outcry over the test and resultant

debris cloud. China denied for years that it was building anti-satellite weapons and urged, as it continues to urge, a treaty banning weapons in space. Its leaders seem to have underestimated the effect of this test on their international credibility. This miscalculation reflects a degree of parochialism in Chinese security policy, a lack of experience in international politics, and a certain degree of hubris born of China's tremendous economic success.

The motives and decision-making process (to the extent we know it) that lay behind China's ASAT test have serious implications for the idea of a treaty with China and others banning weapons in space. There are many technical reasons why such a treaty would be easy to evade. Verifying compliance with a treaty would be difficult, if not impossible, if a country wanted to conceal programs. In such cases, countries like China or Russia, which do not always observe treaty commitments or norms - Russia's cyber attack on Estonia is a good example of this lack of regard - make them unreliable partners and treaties an inadequate guarantee for security in space. There are measures that could allow a space weapons treaty to succeed, but they would involve transparency and intrusive compliance measures that I do not believe either nation would accept.

Similarly, alleged Chinese activities in cyberspace demonstrate a similar unwillingness to accept international norms. This summer, leaders in France, Britain, Germany, and the United States all remonstrated with China over its alleged cyber intrusions. If China was responsible, and senior officials in several nations were willing to attribute the attacks to China, it suggests that China may have underestimated the risk of being caught or believed that it could disregard any consequences.

China's interest in cyberspace goes well beyond international relations, however. Cyberspace has domestic political implications that space does not. China's primary interest in cyberspace is to prevent it from becoming a domain where the regime's control can be challenged. There are other goals, of course, including taking advantage of information technology to aid economic growth, using cyberspace for espionage purposes, and preparing for information warfare against potential opponents like the United States, but the central focus is on securing cyberspace to prevent domestic political challenges.

These efforts go well beyond attempts to block access to foreign websites. China has the most sophisticated controls of any nation on cyberspace. Its regulations apply existing political restrictions on speech and information sharing to Internet users, Internet cafes, ISPs and other network service providers. For example, China's Internet regulations incorporate key provisions of the 1993 State Security Law that gives the Ministry of State Security (MSS) the authority to take action against individuals whose conduct harms the PRC state security. Portions of the State Security law are incorporated without change in Internet regulations. The most important provisions include prohibitions against subversion or the overthrow of the socialist system; providing state secrets to an enemy; or engaging in sabotage. The Ministry has the discretion to decide when an activity falls into one of these prohibited categories, giving it a very broad authority.

These political regulations are reinforced by a complementary system of voluntary compliance and self-regulation among the larger private networks and service providers. China has several government entities whose mission is Internet security and control, including the Ministries of Culture, Information Industries, Public Security and State Security. Part of the work of these Ministries is to subsidize research and development of technologies that would expand control. China has launched an expensive "Golden Shield" project to build computerized monitoring of domestic communications.

Statements by some Chinese officials suggest that they see China's sovereignty diminished by a dependence on foreign technology. In part, this is because this dependence is believed to create a strategic vulnerability. A 2004 editorial in People's Daily explained that China needed its own IT industry, as "Strategists reveal that in peacetime, the U.S. sells virus-carrying chips as ordinary commodities to other countries. When needed in war-time, the United States can remote control and activate the virus at anytime, making ineffective or paralyzing the enemy's command and weaponry systems." This charge makes little sense, but it is indicative of the unhappiness felt in China over the lack of indigenous technology.

Chinese concerns over management of the Domain Name System (DNS), the top-level domain for China, and the use of Chinese characters, also reflect a concern over the appearance of a

diminished sovereignty. China is one of the nations that object to the management of DNS by ICANM, a private corporation with some remaining ties to the U.S. government. China has created domain names using Chinese characters and made them available for use only inside China. In part, Chinese concern over the DNS reflects its desire to expand control over the internet and information resources, but it also reflects a degree of nationalism and concern over sovereignty.

This has been only a cursory summary of a complex topic, but one that the Commission has rightly identified as crucial to the bilateral relationship. China's views towards sovereignty include the outward-facing goals of asserting China's status and increasing its power and influence, and inward-facing goals of protecting regime authority. It is worth bearing in mind that while some of China's approach to sovereignty is specific to maintaining the power of the current Chinese regime, many of the policies China is pursuing that emphasize the restoration of national power and assertiveness would be advocated by any Chinese government. .

From China's perspective, its views on sovereignty and its actions in cyberspace and in space are reasonable and justified. The issue for the U.S. is that the actions China takes to restore its sovereignty or to preserve its current government can work against U.S. international influence and may increase the likelihood of conflict. That said, a U.S. strategy that takes the necessary domestic actions to maintain military power and economic competitiveness while persuading China that sovereignty and international norms are not incompatible, offers the prospect of a cooperative relationship that is in both countries' interest. We should conclude by noting that that U.S. policy has for more than a century supported the restoration of China's sovereignty and as China continues to recover from its long twilight under imperialism and communism, there is no reason why this policy should not continue to hold.