

# New Realities of Multilateralism

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## **PANORAMA**

Insights into Asian and  
European Affairs



PANORAMA  
INSIGHTS INTO ASIAN  
AND EUROPEAN AFFAIRS

# New Realities of Multilateralism

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## Preface

The prevailing view globally is that the challenges of the 21st century, such as increasing security threats, climate change or global health emergencies require collaborative multilateral action and solutions. Multilateral initiatives have been established as a response to these challenges, as exemplified by the Quadrilateral Security Dialogue (QUAD) or the Covax Vaccine Initiative to name some of the most recent ones. However, there is rising criticism of multilateral cooperation as being neither effective nor sufficient in generating sustainable solutions. In some cases, multilateral engagements have failed to prevent humanitarian crises as the world is currently witnessing in Afghanistan. In an interconnected world, it has also become increasingly difficult for regional organisations to pursue their integration goals amidst interfering intra- and extra-regional developments. Even though some experts proclaim the “death” of the multilateral system and at times countries retreat to unilateral or bilateral formats, the situation is more complex. Some multilateral institutions have come to a standstill, new ones have emerged while others have re-gained influence.

Against this backdrop, this issue of *Panorama: Insights into Asian and European Affairs* addresses multilateral cooperation of global interest, looking at the COVID-19 pandemic and country studies in Asia and Europe with implications for regional and international security as well as assessing challenging multilateral collaborations in both regions on a case-by-case basis.

The publication begins with an analysis of the largest global multilateral organisation – the United Nations – and how it is caught in the rivalry for hegemony between the United States of America and China. Undoubtedly a subject of concern for all member countries of the United Nations. The second article elaborates on the role of global politics in global health management, with reference to the World Health Organisation and explains why the global COVID-19 pandemic, in which collective action was essential, did not bring countries together. The next article portrays how global politics affect regional organisations. In this case, the EU’s immigration policy is examined and how it has changed in light of the Russian war against Ukraine. The article on AUKUS provides counterproof of the argument that multilateralism is dead by mapping the security risks in the region, the dynamics that led to the recent formation of AUKUS, its impact and the reactions by governments around the world. The next two articles are dedicated to ASEAN and its handling of two crises: Firstly, the regional organisation’s handling of the military coup in Myanmar and how its actions are constrained by its own principles

as well as China's role in the conflict. Secondly, the ASEAN health crisis caused by the COVID-19 pandemic and how the region as a whole – or rather the member countries separately – dealt with it. The seventh article takes stock of the Western state-building efforts in Afghanistan and incisively asks whether the liberal international order has finally collapsed. The author of the subsequent paper looks at Taiwan and assesses the losses for the global community as a result of excluding it from multilateral fora. The second-last article explores the development of the Quadrilateral Security Dialogue and what its future holds for ASEAN and the wider region. Lastly, the issue ends with how it started – China's influence. This time by looking at the Mekong, which is the lifeline for roughly 260 million people and the multilateral cooperation efforts attempting to solve the Mekong region's many challenges.

With a wealth of Asian and European perspectives on multilateralism, this *Panorama* issue provides insights on each region's own attempts and struggles to find joint solutions for common challenges. Additionally, it also becomes very clear that Asia and Europe are linked through multilateral cooperation and overlapping interests, which will likely grow stronger in the years ahead.

I would like to thank all the authors for their timely contributions and wish the readers an interesting and informative read.



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Regional Programme Political Dialogue Asia  
Konrad-Adenauer-Stiftung



# The United Nations and Global Multilateral Organisations as a Playground for American-Chinese Rivalry?

*Andrea E. Ostheimer*

## INTRODUCTION

Based on their economic weight and their assessed contributions, the People's Republic of China (hereafter China) and the United States of America (US) are the two largest financial contributors to both the general and peacekeeping budgets of the United Nations (UN). No other permanent member of the UN Security Council (P5) provides more troops to UN Peacekeeping missions than China.

The United Nations has become a key venue for China to pursue its global aspirations and its intention to reform the global governance system to its own interests. For the US, the UN has become a secondary platform of international cooperation, although it was a leading actor in the institution's establishment. Various US administrations have engaged substantially with the UN system when it served national interests. However, domestic power constellations have frequently impeded any substantial engagement that goes beyond financial contributions. The US needs a strategy and clear objectives to align and advance national interests and the global agenda in the three fields identified by the UN Charter: peace and security, development, and human rights.

In contrast, China follows through on its global policy goals and has identified the necessary instruments for its advancement: discourse power, re-shaping and re-defining Western ideas and values still prevalent at the UN, staff policy, and alliance-building through incentives and coercion.

The following analysis aims to show that China's growing influence in the United Nations and its rivalry with the United States cannot only be related to China's growing assertiveness under Xi Jinping. It must also be seen in the context of the diminished legitimacy of the US for a global leadership role stemming from its selective adherence to global norms and the void which the Trump administration created by disengaging or even withdrawing officially from UN institutions.

## US POLITICS AND THE UNITED NATIONS

While President Trump's repudiation of multilateral institutions might stand out most vividly in our memories, it certainly cannot be seen as a break-away from "75 years of previous cross-Beltway consensus on the value of multilateralism"<sup>1</sup> in US policy. However, Trump's "America First" ideology stood out from his predecessors' policies, and particularly conservative ones, in its obstructive approach to the United Nations and disdain towards institutions such as NATO, thus rebuking the closest allies of the US.

Indifference and discord towards the United Nations not only damaged the institution but also the reputation of the US.

Since the UN's founding in 1945, the relationship between the US and the United Nations can at best be described as contradictory, which is largely the result of constant tensions between domestic considerations and foreign policy goals.

As the leading advocate for a successor institution to the League of Nations, the US fundamentally shaped the objectives and values of the United Nations. This support, which had been driven by national interests, started to wane in the mid-70s when enlarged membership and the creation of the G77<sup>2</sup>, a group of 77 developing countries, reduced US influence.

Any analysis of the US-UN relationship and US engagement in multilateral institutions has to take into account domestic politics, as well as presidents, their party affiliations, and the power relations between the president and Congress. So far, liberal presidents have showed support to the UN.<sup>3</sup> President Obama, for example, was the first sitting president to chair a UN Security Council (UNSC) meeting, in 2009, and paid the arrears in peacekeeping that had been accumulated during his predecessors' terms. But it was also the Obama administration that defunded

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1. Whineray, David. 2020. The G2 at the UN. The United States and the People's Republic of China at the United Nations before COVID-19. ([https://collections.unu.edu/eserv/UNU:7666/Whineray\\_USChina.pdf](https://collections.unu.edu/eserv/UNU:7666/Whineray_USChina.pdf)).

2. The G77, which until today is an important negotiating bloc in the UN and to which China is associated as well (speaking as: G77 and China), was established in 1964 as a means for developing countries to "articulate and promote their collective economic interests and enhance their joint negotiating capacity on all major international economic issues within the United Nations system, and promote South-South cooperation for development." (<https://www.g77.org/doc/>).

3. Lyon, Alynna J. 2016. US Politics and the United Nations. A tale of dysfunctional dynamics. Boulder, London: Lynne Rienner, p. 7.

UNESCO in 2011 after the Palestine Territories were accepted as a member.<sup>4</sup> In many instances, “domestic politics surrounding the US relationship with Israel isolates the United States in the chambers of the UN General Assembly and influences relations with many Arab states.”<sup>5</sup>

A divided government and the subsequent dysfunctional dynamics between the White House and the legislative branch also undermine the ability of the US to participate in global governance. Congress exerts threefold control over engagement with the UN.<sup>6</sup> It can exert direct influence through treaty ratification, although a Republican-controlled Senate has been referred to as a “graveyard of treaties”.<sup>7</sup> This diminishes the credibility of US foreign policy aspirations when it becomes clear that a final ratification is highly unlikely – or worse, as in the case of the withdrawal from the Joint Comprehensive Plan of Action (JCPOA), where the international norm of “*pacta sunt servanda*” appears to have been reduced to a plaything for politicians.

In addition, Congress controls the budget and in 1995 decreased US contributions to peacekeeping from over 30 per cent to a cap of 25 per cent. Congress also tries to link funding to specific UN reform benchmarks.<sup>8</sup>

By far, the largest repercussions on the UN’s image within American society has been the ongoing criticism of the UN by conservative forces, fuelled by a fear of loss of sovereignty but also embedded in the broader mistrust of government institutions amongst Republicans.<sup>9</sup> During his 2016 presidential campaign, Republican Senator Ted Cruz tweeted: “I fought the United Nations and WON defending U.S. sovereignty. As President I will defend our constitution.”<sup>10</sup>

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4. Gardiner, Harris and Erlanger, Steven. 12 October 2017. The Trump administration withdrew from UNESCO in October 2017, citing its anti-Israeli bias. The New York Times. (<https://www.nytimes.com/2017/10/12/us/politics/trump-unesco-withdrawal.html>).

5. Lyon, Alynna J., p. 6.

6. *Ibid.*, p. 200ff.

7. Patrick, Stewart M. 2014. More treaty gridlock: another GOP Senate takeover. Blog Post. Council on Foreign Relations. (<https://www.cfr.org/blog/more-treaty-gridlock-another-impact-gop-senate-takeover>).

8. Blanchfield, Luisa. 2022. United Nations Issues: U.S. Funding to the U.N. System. In Focus. Congressional Research Service. (<https://sgp.fas.org/crs/row/IF10354.pdf>).

9. Lyon, Alynna J., p. 205ff.

10. Ted Cruz on Twitter: “I fought the United Nations & WON defending U.S. sovereignty. As President, I’ll defend our Constitution! #CruzCrew”. (<https://twitter.com/tedcruz/status/687269872808558592>).

## The Trump era

President Trump's unilateral "America First" policy and abject disregard for multi-lateral institutions damaged US legitimacy as a global leader and weakened the UN.

Under Trump, the transactional nature of US engagement with the UN became very obvious. As long as US interests were served, constructive engagement was applied. US Ambassador to the UN Nikki Haley even managed to gain the support of China and Russia on a Security Council Resolution (SC/RES/2397) that would impose harsh sanctions on North Korea (DPRK).<sup>11</sup>

However, in other areas the dominance of national interests guided US policies at the UN during the Trump administration. In showing its unconditional support for Israel, the Trump administration cut all of the US's funding from the UN Relief and Works Agency for Palestine Refugees (UNRWA) and further reduced its potential role as mediator in the Middle East Peace Process.<sup>12</sup> After accusing the UN Population Fund (UNFPA) of supporting coercive abortions and involuntary sterilisations in China without proof, the Trump administration cut all core funding for UNFPA and jeopardised many family planning programmes in developing countries.<sup>13</sup>

In the Security Council, the US position at times even aligned with Russia's or China's policy – particularly when other UNSC members tried to raise the nexus of climate change and security. This, as well as the US positions on the rights of victims of sexual violence in war and their reproductive health, further enhanced tensions with traditional Western allies.

However, the most obstructive political manoeuvres under President Trump have certainly been the scapegoating of the WHO and the labelling of the organisation as a Chinese puppet during the COVID-19 crisis, the suspension of funding for WHO, and the subsequent withdrawal from the UN body at the height of the pandemic. By doing so, the US squandered its reputation as a reliable partner, and blocked any declaration by the UNSC on the pandemic for months.

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11. Runde, Daniel F. 1 May 2020. *Competing and Winning in the Multilateral System*. Center for Strategic & International Studies (CSIS), p 4. (<https://www.csis.org/analysis/competing-and-winning-multilateral-system-us-leadership-united-nations>).

12. Amr, Hady. 7 September 2018. *Brookings*. (<https://www.brookings.edu/blog/order-from-chaos/2018/09/07/in-one-move-trump-eliminated-us-funding-for-unrwa-and-the-us-role-as-mideast-peacemaker/>).

13. Morello, Carl. 4 April 2017. *The Washington Post*. ([https://www.washingtonpost.com/world/national-security/trump-administration-to-eliminate-its-funding-for-un-population-fund-over-abortion/2017/04/04/d8014bc0-1936-11e7-bcc2-7d1a0973e7b2\\_story.html](https://www.washingtonpost.com/world/national-security/trump-administration-to-eliminate-its-funding-for-un-population-fund-over-abortion/2017/04/04/d8014bc0-1936-11e7-bcc2-7d1a0973e7b2_story.html)).

Equally harmful was the US withdrawal from the UN Human Rights (HR) Council in 2018. Not only did the US abandon a platform for denouncing human rights violations worldwide, but its departure also allowed China to disseminate its own human rights narrative. Although autocratic regimes are regularly elected to the Council and use the opportunity to ensure their own HR violations are not addressed, the US withdrawal created a vacuum and took away a powerful ally for like-minded states, particularly the European Union (EU). In the HR Council, we see an increasingly assertive China, which previously only tried to shield its domestic situation from scrutiny but which has now come up with its own interpretation of collective, developmental rights versus individual human rights.

## US re-engagement in the United Nations

The retreat from multilateral institutions under President Trump created a void that China has been eager to fill. It might have been the belief in its own great power status and in American exceptionalism that led to a laid-back attitude with regard to China's growing interest in shaping multilateral institutions and securing its own interests and influence over the last couple of years.

Until now, a comprehensive strategy for a decisive response to China's policy towards the United Nations still needs to evolve.<sup>14</sup>

Even President Trump, who in trade matters had early on identified China as a key adversary, came to a late awakening regarding China's extension of influence in the UN system. In March 2020, Trump appointed a special envoy for multilateral integrity, a position aimed at stalling Chinese extension of influence in the UN and other multilateral organisations and institutions that, as Colum Lynch described, "the Trump administration [had], until [then], largely snubbed or ignored."<sup>15</sup>

A first wake-up call came with the controversial election<sup>16</sup> of a new director for the Food and Agricultural Organisation (FAO) in 2019, a fourth top-position for

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14. Some critics say that it is not only the US retreat from its leadership position in multilateral organisations but also the promotion of poor candidates for top jobs. See for example: Lynch, Colum. 2020. (<https://foreignpolicy.com/2020/01/22/us-state-department-appoints-envoy-counter-chinese-influence-un-trump/>). Others claim: "Multilateral diplomacy does not exist for the US. The Chinese want as many people as possible funneling through the UN to gain experience. While Americans in the State Department actually don't like the New York assignment." Interview with UN staffer cited by Lyon, Alynna J., p. 200.

15. Lynch, Colum. 22 January 2020. Foreign Policy. (<https://foreignpolicy.com/2020/01/22/us-state-department-appoints-envoy-counter-chinese-influence-un-trump/>).

16. Chadwick, Vince. 24 June 2019. DEVEX. (<https://www.devex.com/news/chinese-candidate-takes-fao-top-job-amid-us-concerns-95163>).

China as the head of a specialised agency.<sup>17</sup> Incentives for developing countries by China propped up the Chinese candidate against a split Western camp, with two rivals backed by the US and the EU respectively.

Since then the US has come to terms. When the position of director-general of the World Intellectual Property Organisation came up and all alarm bells started to ring that the agency for the safeguard of intellectual property rights could fall into Chinese hands, the US mobilised support from senior White House staff, cabinet-level officials, and members of Congress and closed ranks with its allies behind the Singaporean candidate. US ambassadors worldwide successfully lobbied their host countries to secure sufficient votes for Daren Tang.<sup>18</sup>

One of the first foreign policy declarations by President Biden has been the return to the Paris Climate Change accords. In order to postulate a global leadership role on climate policy, a US Climate Summit was hosted in April 2021. Within the UN, the US also joined the Group of Friends on the nexus of climate change and security.

Equally, the return to the WHO on day one showed President Biden's commitment to multilateralism. However, mandating US intelligence services to investigate the origins of the virus not only shows mistrust against the Chinese narrative but also demonstrates an indirect rejection of the last report prepared by WHO officials after a Chinese-supervised mission to Wuhan. In the context of global public health, Biden also tried to restore the US reputation among developing nations by backing a waiver for the intellectual property protection of COVID-19 vaccines (TRIPS).

In October 2021, the US was elected again as a member of the Human Rights Council, marking an end to its three-year absence.

One can certainly view the Biden administration's re-engagement in the UN as an attempt to claim back lost territory and strategic partnerships. However, the US also has to walk a tightrope in maintaining an adversarial stance towards China in bilateral relations as well as in the multilateral context, while at the same time working with China on global challenges within the framework of the United Nations.

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17. China had already secured the top job of the International Civil Aviation Organisation (ICAO), controlling airspace, the International Telecommunications Union (ITU), which is responsible for international connectivity in communications networks, as well as the UN Industrial Development Organisation (UNIDO). And particularly in the latter it became quite evident how China did not only use this opportunity to staff lower ranks in management with Chinese and like-minded nationals, but also how it used an organisation to advance its own Belt and Road Initiative. See: UNIDO and BRI are rooted in the vision of a shared prosperity. 29 April 2019. (<https://news.cgtn.com/news/3d3d514e78597a4d34457a6333566d54/index.html>).

18. Runde, Daniel F. May 2020. *Competing and Winning in the Multilateral System*. U.S. Leadership in the United Nations. Centre for Strategic and International Studies, pp. 8-9.

Unlike US-Soviet relations during the Cold War, the antagonism between the US and China is not only ideological but also centres on global political leadership. Additionally, it entails an economical dimension that is rooted in the competition around artificial intelligence (AI), digital technologies, and access to minerals and resources that are crucial for digital technologies. Geopolitics have become geo-economics.

However, and contrary to the Trump administration, Biden and his team are trying to apply a more pragmatic rather than dogmatic approach when it comes to cooperation with China in the multilateral context.

Secretary of State Anthony Blinken, for example, stated in a speech at the UN Security Council in May 2021 that multilateralism was imperative as it was the best tool for tackling big global challenges, such as COVID-19, the climate crisis, or nuclear proliferation.

*“We’ll also work with any country on these issues – including those with whom we have serious differences. The stakes are too high to let differences stand in the way of our cooperation.”<sup>19</sup>*

But in the same speech, he also highlighted that human rights and dignity must stay at the core of the international order. Blinken reaffirmed that UN members had to meet their commitments, particularly legally binding ones, and that the US would seek to uphold this rules-based order, and not shy away from holding accountable those who violate international law and hope for impunity.<sup>20</sup>

## Restoring trust and influence

For the Biden administration, restoring the US influence in multilateral institutions which previous administrations had gambled away is a Herculean task. Trust must also be re-established among long-time allies. New partnerships have to be forged if the US wants to compete with China in the UN.

Early on, China realised that great-power status necessitates zones of influence and relies on partnerships. While the US and its Western allies remain in a donor-recipient relationship with developing countries, China pretends to treat them as equal partners not only with unconditional loans and grants and large infrastructure projects, but also with AI and digital technologies. China’s courting of the Small

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19. Secretary Antony J. Blinken Virtual Remarks at the UN Security Council Open Debate on Multilateralism. 7 May 2021. (<https://geneva.usmission.gov/2021/05/07/secretary-blinken-virtual-remarks-at-the-un-security-council-open-debate-on-multilateralism/>).

20. Ibid.

Pacific Islands in May 2022 has shown that it is aware of the strategic value of these island nations not only as future Chinese military hubs but also as allies in the UN. When the US focuses solely on traditional and like-minded partners (for example, the AUKUS alliance) and overlooks the needs of smaller nations, it leaves this turf to China. Consequently, it should not be surprising when Chinese influence expands globally and via those partnerships, as well as in the UN.

However, to establish long-lasting relationships of trust, the ambiguity within US foreign policy needs to be addressed: while the US promotes democracy, it also engages with autocratic regimes when national interests are at stake. It calls for compliance with international law, yet it declines to subscribe to it, fearing any infringement on its sovereign rights. These contradictions do not go unnoticed and diminish the credibility of the US as a trustworthy and reliable partner.

## **CHINA'S SUPPORT FOR MULTILATERALISM AND THE UNITED NATIONS**

Despite being part of the P5 and thus wielding significant influence, China had embodied more the role of a bystander than a front-row player for decades. This changed significantly under Xi, who took power in 2013 and repositioned China, making it a central actor in the international system.<sup>21</sup> Considering China's growing global political and economic weight and its financial contributions to the UN, one has to acknowledge that in some ways it has just caught up to players such as the United States.

Similar to the US, China supports and promotes multilateralism when it corresponds to and serves China's national interests. Xi highlights in his speeches to the UN General Assembly China's commitment to the United Nations in word and in deed. China's troop contribution to UN Peacekeeping missions as well as the establishment of the UN Peace and Development Fund by China and its extension for another five years until 2030, are popular examples.<sup>22</sup>

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21. Hass, Ryan. 1 March 2021. How China is responding to escalating strategic competition with the US. Brookings, China Leadership Monitor. (<https://www.brookings.edu/articles/how-china-is-responding-to-escalating-strategic-competition-with-the-us/>).

22. Xi Jinping Delivers an Important Speech at the General Debate of the 75th Session of the United Nations (UN) General Assembly, 22 September 2020. (<https://www.mfa.gov.cn/ce/ceus/eng/zgyw/t1817766.htm>).



However, where multilateral institutions, their policies and rulings contradict Chinese interests, China either completely ignores them<sup>23</sup> or tries to adapt and reform those rules.

## Multilateralism the Chinese way

When Western scholars and policymakers discuss UN reforms, they mainly speak about reducing multiple overlaps in the mandates and structures of UN entities and establishing leaner, more efficient bureaucratic processes. In contrast, Chinese scholars argue that changes in the global balance of power and the growing clout of emerging and developing economies have undermined the legitimacy of the current multilateral system. Following this line of argument, China labels universal concepts such as individual rights and freedoms,<sup>24</sup> a state's responsibility to protect its citizens, and internationally accepted instruments like sanctions as Western and argues that they infringe on the principles of sovereignty and non-interference of states. Apart from state sovereignty, which often motivates China to abstain or threaten a veto in the UN Security Council, it is also the emphasis on socio-economic rights – a right to economic development – that China places above universal human rights and promotes in the UN context.

### *Discourse power and shaping the narrative*

Along with China's assertiveness in the United Nations comes the ambition to shape the multilateral system to its own interests. Shaping the narrative on particular topics as well as gaining discourse power supremacy are essential ingredients in China's multilateral strategy.

China frequently tries to inject wording from its own policy documents as a way of making Chinese policies UN policies. Catch-phrases such as “win-win

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23. An example often given is the rejection of the ruling of the Permanent Court of Arbitration (PCA) by China in the case between the Philippines and China in the South China Sea. See: Whineray, David. 2020. The G2 at the UN. The United States and the People's Republic of China at the United Nations before COVID-19. United Nations University, Centre for Policy Research, p. 6.

Also, in the WTO, China has declined up to now to fulfil established preconditions for its admission in 2001, such as market-distorting subsidies or protection of intellectual property for example. See: von Daniels, Laura. April 2020. Repercussions of the US-China Conflict on the Multilateral Order, in: Lippert, Barbara and Perthes, Volker (eds.). 2020. Strategic Rivalry between the United States and China: Causes, Trajectories and Implications for Europe. Berlin: SWP. (<https://www.swp-berlin.org/en/publication/strategic-rivalry-between-united-states-and-china>).

24. As enshrined in the Universal Declaration of Human Rights. (<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>).

cooperation”, “a shared community with a shared future for mankind” or “the new security concept that goes beyond zero-sum-game thinking” are some examples.<sup>25</sup>

In addition, China has managed to fully align the UN system with its Belt and Road Initiative (BRI) by selling the geopolitically orientated and power-driven BRI as a tool to achieve the Sustainable Development Goals (SDGs). In 2016, the Chinese-controlled UN Department of Economic and Social Affairs (DESA) launched a programme on “Jointly Building Belt and Road towards Sustainable Development Goals.” In 2019, Secretary-General Antonio Guterres iterated: “[T]he pillars of the Belt and Road Initiative link to the 17 SDGs, which include ending extreme poverty and hunger, [and] can translate into real-life progress for people.”<sup>26</sup>

For the UN, this is a way to label BRI funds as contributions to achieving the SDGs. For China, connecting the BRI agenda to the UN’s 2030 Agenda builds trust in the project and dispels doubts about its intentions.<sup>27</sup>

In addition to prioritising the right to development (which appeals especially to developing countries) before individual rights, China subtly tries to change normative values enshrined in the concept of rule-of-law. Firstly, rule-of-law is values-based, in contrast to the Chinese rule-by-law. Secondly, rule-of-law as an essential component of good governance relates the state to its citizens. China, however, tries to re-interpret the concept of rule-of-law in multilateral discussions by transforming “rule-of-law” into a concept of “rule-of-law in international relations”. For an inattentive reader, these two concepts might sound alike. However, the latter concept implies that the rule-of-law mentioned in multilateral documents applies only to inter-state relations and does not affect the state-citizen relationship. In doing so, China tries to ward off external influence on its own domestic agenda.<sup>28</sup>

With its push for global discourse power, China aims to win buy-in from leaders of the Global South for Chinese-defined norms and to promote these Chinese-

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25. Whineray, David. 2020.

26. Guterres, Antonio, 26 April 2019. Remarks at the opening ceremony of the Belt and Road Forum for International Cooperation. (<https://www.un.org/sg/en/content/sg/speeches/2019-04-26/belt-and-road-forum-for-international-cooperation-remarks>).

27. Schwoob, Marie-Helene. 12 April 2018. Chinese views on the global agenda for development, p. 18, in: Godement, Francois et al. *The United Nations of China: a Vision of the World Order*. European Council on Foreign Relations. ([https://ecfr.eu/publication/the\\_united\\_nations\\_of\\_china\\_a\\_vision\\_of\\_the\\_world\\_order/](https://ecfr.eu/publication/the_united_nations_of_china_a_vision_of_the_world_order/)).

28. Whineray, David. 2020.

defined international norms as the new global standard in international fora like the United Nations.<sup>29</sup>

### *Coercion or partnership (international alliance-building)*

In order to accomplish its discourse power supremacy, China leverages diplomatic relations within the UN system but also in its own regional fora such as the Forum for Chinese African Cooperation (FOCAC), the China-CELAC Forum in Latin America, and the China-Arab States Cooperation Forum (CASCF). China seeks to present itself as a benevolent rising power, an upholder of regional and global stability, and a provider of global public goods.<sup>30</sup>

Having been a long-time ally of the G77 in the United Nations and promoting the right to development, China has created a fertile climate for alliances. China not only advocates its own developmental model but also shows solidarity with the Global South by providing unconditional aid. BRI constitutes an important lever as well.<sup>31</sup> In addition, and according to UN diplomats interviewed by David Whineray, China uses a blunt transactional approach, building alliances through cash or coercion in matters regarded as important – “offering financing for projects or threatening to turn off the tap”.<sup>32</sup> Particularly in the ambit of the G77 members, China’s attitude so far hardly raises concerns as many still see the US as being too dominant and equally transactional in a post-Cold War world. Those states do not mind a competition between two great powers as long as they are not caught between the lines.

## **INSTRUMENTS OF ENGAGEMENT AND INFLUENCE IN THE UNITED NATIONS SYSTEM**

### **Financing**

Since 1945, the United States has been the single largest financial contributor to the UN system. Currently, the assessed US contributions to the UN’s regular budget are capped at 22 per cent. This amounts to USD686,400,000 for the 2022 UN budget of

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29. Thibaut, Kenton. 20 April 2022. China’s discourse power operations in the Global South. Atlantic Council, p. 22. ([https://www.atlanticcouncil.org/wp-content/uploads/2022/04/Chinas\\_Discourse\\_Power\\_in\\_the\\_Global\\_South.pdf](https://www.atlanticcouncil.org/wp-content/uploads/2022/04/Chinas_Discourse_Power_in_the_Global_South.pdf)).

30. Hass, Ryan. 2021.

31. Thibaut, Kenton. 2022.

32. Whineray, David. 2020.

USD3.12 billion and does not include contributions to specialised agencies. In total, the US paid about USD11 billion to UN entities in 2020. The largest contributions went to the World Food Programme (USD3.7 billion) and UNICEF (USD990 million).<sup>33</sup>

Funding for UN Peacekeeping missions is assessed separately from the regular budget, and the US contribution stands at 26.94 per cent in 2022, making the US again the single largest financial contributor. For 2022, the Biden administration has not only placed a Congressional request to pay arrears accumulated during the Trump era, but also to ignore the Congressional cap of 25 per cent and pay the total amount of assessed contributions for peacekeeping each year.<sup>34</sup> Despite the administration's insistence (also extending to 2023 arrear payments and fulfilling all obligations towards the UN in the budget proposal), the US Congress seems reluctant to provide the necessary means.<sup>35</sup>

Although President Trump did not follow through on his initial proclamation to cut foreign aid and thus the UN budget by a third,<sup>36</sup> the Trump administration's goal to reduce peacekeeping costs played into the hands of China, who argued that human rights monitoring should not be part of a peacekeeping mission or its budget. These arguments faced little resistance from the US Mission at the time.

When comparing US and Chinese financing of the UN, it becomes obvious that China stepped up its financial engagement and filled a void while the US reduced its commitments. China also dedicates its voluntary contributions to those UN agencies, funds, and programmes which are considered strategically important for Chinese national interests, such as the Food and Agricultural Organisation (FAO).<sup>37</sup>

Due to its economic growth, China has become the second largest contributor to the regular UN and UN Peacekeeping budget within the last decade. While

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33. Council on Foreign Relations. 4 April 2022. (<https://www.cfr.org/article/funding-united-nations-what-impact-do-us-contributions-have-un-agencies-and-programs>).

34. Blanchfield, Luisa. 2022. United Nations Issues: U.S. Funding to the U.N. System. In Focus. Congressional Research Service. (<https://sgp.fas.org/crs/row/IF10354.pdf>).

35. Hyde, Andrew. 4 April 2022. China's Emerging Financial Influence at the UN Poses a Challenge to the U.S. Stimson Center. (<https://www.stimson.org/2022/chinas-emerging-financial-influence-at-the-un/>).

36. Nichols, Michelle. 24 May 2017. Trump budget cut bid would make it 'impossible' for U.N.: spokesman. Reuters. (<https://www.reuters.com/article/us-usa-budget-un-idUSKBN18K1V2>).

37. In addition, research has shown that Chinese bilateral ODA is "closely linked to foreign policy interests, as measured by China's voting alignment with African countries in the UN General Assembly and recipient country positions vis-à-vis the One-China policy.": Dreher, Axel et al. 2018. Apples and Dragon Fruits: The Determinants of Aid and Other Forms of State Financing from China to Africa. *International Studies Quarterly* 62, 182-194, p. 191. (<https://www.silverchair.com>).

China's assessed UN budget contribution was approximately 2 per cent around 2000, it stands today at 15.25 per cent. The same applies to its contributions to the peacekeeping budget, currently at 15.21 per cent (for the period 2020-2021).

It is particularly in the area of peacekeeping where Chinese and US contributions differ most. Contrary to the US, who barely complements its financial engagement with personnel for peacekeeping missions, China under Xi has become the tenth largest troop-contributing country with 2236 uniformed personnel currently deployed (compared to 30 from the US). Missions with the largest presence of Chinese peacekeepers are UNMISS in South Sudan, MINUSMA in Mali, MONUSCO in the DR Congo, and UNIFIL in Lebanon (as of March 2022).<sup>38</sup> While China in its early days of peacekeeping mainly deployed logistical battalions (engineering or medical battalions), it sent its first combat unit to South Sudan in 2012.<sup>39</sup>

With active engagement in peacekeeping missions, China not only broadens its military capacities but also legitimises its calls and concerns in the Security Council when mission mandates are up for their regular reviews and renewals.

In 2015, Chinese President Xi Jinping went a step further and pledged not only a standby force of potential UN peacekeepers<sup>40</sup> but also committed USD1 billion to a ten-year China-UN Peace and Development Fund. That fund is split between the Peace and Security Sub-Fund managed by the Executive Office of the Secretary-General and the 2030 Agenda for Sustainable Development Sub-Fund managed by UN DESA (a UN body headed by a Chinese official), the latter dovetailing the Belt and Road Initiative with the Sustainable Development Goals.<sup>41</sup>

At a time when the UN's budget is notoriously underfunded, the UN system has become more receptive to China's financial contributions.

## Staffing

The number of top positions that China has secured over the past decade, particularly in specialised agencies, has been much analysed, and the four positions it held

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38. Troop and police contributors. United Nations Peacekeeping. (<https://peacekeeping.un.org/en/troop-and-police-contributors>).

39. Harnett, Daniel M. 2012. China's First Deployment of Combat Forces to a UN Peacekeeping Mission—South Sudan. Staff Memo - U.S.-China Economic and Security Review Commission. ([https://www.uscc.gov/sites/default/files/Research/MEMO-PLA-PKO\\_final\\_0.pdf](https://www.uscc.gov/sites/default/files/Research/MEMO-PLA-PKO_final_0.pdf)).

40. AP News. 29 November 2018. China says 8,000-strong UN peacekeeping standby force ready. (<https://apnews.com/article/5ef215f827074662bc02730324c8c113>).

41. Fung, Courtney J. and Lam, Shing-Hon. 2021. Staffing in the United Nations: China's motivations and prospects. *International Affairs* 97, pp. 1143-1163, p. 1143.

before the pandemic (UNIDO, FAO, ICAO and ITU) are juxtaposed with those of the US, the UK, and France as fellow P5 nations. The US, for example, currently only leads two agencies: WFP and UNICEF.

As Courtney J. Fund and Shing-Hon Lam<sup>42</sup> note, China's gains in specialised agencies do not correspond with the overall staffing of UN top-level positions in general. However, it can be noted that agencies headed by Chinese nationals show faster increases in numbers of Chinese staff members.

Since China took over the UNSC seat from Taiwan in 1971, it has only held 13 top postings and is far exceeded by the US (64), France (28) and the UK (25).<sup>43</sup> Successful political lobbying by China led to the appointment of Huang Xia as the Special Envoy for the Great Lakes Region of Africa in April 2019, one of the rare positions for China in the peace and security field.

However, with China's new assertiveness it is not only the quantity of staff but also the quality that makes the difference. One must also consider how UN officials from China are being used to further China's foreign policy goals (for example, limiting Taiwan's international space and access to formal multilateral coordination in agencies like the WHO or ICAO).

Since 2007, Chinese officials have headed UN DESA, which has the reputation of a quasi-fiefdom that bolsters China's claim for global leadership in development. As one European diplomat quoted by Colum Lynch said: "DESA is a Chinese Enterprise. [...] everybody knows it and everybody accepts it."<sup>44</sup> DESA is at the heart of connecting the Belt and Road Initiative with the 2030 Agenda, and UN leadership, including agencies such as UNDP, have fully embraced BRI as a vital pillar for poverty alleviation in the framework of the 2030 Agenda. It also serves as an example of how China exerts influence through UN positions to legitimise and broaden the scope of Beijing's foreign policy interests.<sup>45</sup>

According to Article 100 of the UN Charter, all UN officials have to exert impartiality. However, Chinese nationals working as international civil servants are

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42. Ibid.

43. Fund, Courtney J. and Lam, Shing-Hon. 2 August 2021. Why the increase in Chinese staff at the United Nations matters. *International Affairs*. (<https://medium.com/international-affairs-blog/why-the-increase-in-chinese-staff-at-the-united-nations-matters-e0c30fdfcc46>).

44. Lynch, Colum, 10 May 2018. China Enlists U.N. to Promote Its Belt and Road Project. *Foreign Policy*. (<https://foreignpolicy.com/2018/05/10/china-enlists-u-n-to-promote-its-belt-and-road-project/>).

45. Fund, Courtney J. and Lam, Shing-Hon. 2021. Staffing in the United Nations.

conduits for the dissemination of Chinese values and models and amplify China's discourse power.<sup>46</sup>

In contrast to China's strategy of placing its nationals in leadership positions at multilateral institutions, the US has so far shown a hands-off approach. As former US Under-Secretary-General for Political Affairs (2012-2018) Jeffrey Feltman observed, the US government hardly cares about UN processes, whereas the UN Secretariat constantly tries to predict US positions on multilateral issues. Thus, US nationals in high-level and advisory positions to the secretary-general serve more as interpreters of Washington's political moves than as promoters of US interests.<sup>47</sup>

## **POLICY BATTLEFIELDS IN THE US-CHINA RIVALRY**

The rivalry between China and the US in the UN context has become most pronounced in two core pillars of the UN: human rights and to a lesser extent peace and security.

The third pillar enshrined in the UN Charter – development – and the widespread influence China has gained not only via UN DESA but also via its own bilateral and regional initiatives has hardly been contested by the US.

### **Human Rights Council**

In its aim to re-shape the focus of the UN, China has placed the topic of development at the forefront. It serves as an argument for its security policy emphasising political dialogue and development as key elements in addressing violence. But China also relates development directly to human rights. In the latter, China landed a first victory in finding international endorsement of its concept when Human Rights Council Resolution 35/21 (Contribution of development to the enjoyment of human rights) was adopted in June 2017.<sup>48</sup>

Resolution 35/21 exemplifies China's shift from a traditionally defensive posture on human rights issues to a more activist role that aims to reshape the rules and instruments of the international human rights system. China follows a two-pronged approach: first, international criticism of its own repressive human rights

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46. Ibid. p. 1150.

47. Feltman, Jeffrey. September 2020. A career FSO and veteran United Nations official reflects on this unique institution and its value today. The Foreign Service Journal. (<https://afsa.org/un-relevance-depends-us-leadership>).

48. Whineray, David. 2020.

record needs to be blocked; and second, support needs to be gathered for the orthodox interpretation of national sovereignty, transparency, and accountability.<sup>49</sup>

One prominent example of China's attempts to influence and re-interpret human rights standards<sup>50</sup> dates to October 2019 when the United Kingdom initiated a statement signed by 22 other member states, calling on China to refrain from "the arbitrary detention of Uighurs and members of other Muslim communities". The Chinese government not only used pressure to prevent more states from supporting the statement, but issued its own counter-narrative. 54 countries lauded "China's remarkable achievements in the field of human rights," noting that terrorism, separatism, and religious extremism had caused enormous damage to people of ethnic groups in Xinjiang and had seriously infringed upon human rights, including the right to life, health, and development.

During the nearly four-year absence of the US from the Human Rights Council, China managed to further undermine the international human rights system and found like-minded allies amongst its 47 members. Normally mainly targeting NGOs and human rights advocates, China after its narrow re-election in 2020 started to go after UN special rapporteurs who would report infringements, such as the special rapporteur for cultural rights and the special rapporteur on freedom of religion or belief.<sup>51</sup>

Human Rights Watch also denounced the pressure China had exerted on Human Rights Council members – particularly on those that are economically dependent – to stifle any criticism and report positively in the context of China's universal periodic review in 2019.<sup>52</sup>

The difficulties the UN, particularly the Office of the High Commissioner for Human Rights, faces when addressing human rights violations by China have been documented by the report on the May 2022 visit of the High Commissioner, Michelle Bachelet, to Xinjiang. A detailed report by her team on the situation in Xinjiang had been kept under lock and key for months and was only released on the eve of her mandate's end in August 2022. The High Commissioner not only had to face severe

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49. Piccone, Ted. September 2018. China's long game on human rights at the United Nations. Brookings. (<https://www.brookings.edu/research/chinas-long-game-on-human-rights-at-the-united-nations/>).

50. Reported in Whineray, David. 2020.

51. Richardson, Sopic. 11 March 2021. China's 'Slanders and Smears' at UN Human Rights Council. Human Rights Watch. (<https://www.hrw.org/news/2021/03/11/chinas-slanders-and-smears-un-human-rights-council>).

52. Human Rights Watch. 1 April 2019. UN: China Responds to Rights Review with Threats. (<https://www.hrw.org/news/2019/04/01/un-china-responds-rights-review-threats>).



criticism in relation to the messaging around her visit to China, but was also severely pressurised by the Chinese government to not release the report that calls out its severe crimes against humanity.

As a newly elected member to the council, the US must address China's attempts to undermine and redefine the meaning of universal human rights. To safeguard the legitimacy of the Human Rights Council as an institution, it is equally important that the US builds an alliance with like-minded states to reform the council's election process. When states with questionable human rights track records continue to be elected, the institution gets further discredited and its purpose distorted.

## **Conflict and crisis management in the UN Security Council**

China's new international assertiveness can also be seen in the Security Council. Often aligned with Russia, China's rivalries with the US were, until President Trump came to power, derived from fault-lines of its own making.

At the end of the Cold War, the US sought common ground with Russia and China in conflict management through the Security Council. However, with the return of major power competition, conflict management has strayed from conflict resolution and prevention, becoming conflict mitigation (particularly securing humanitarian access) and conflict containment.<sup>53</sup>

For the US, the great power rivalries with Russia – which, as the attack on Ukraine has shown, bluntly violates international norms – and with China – which tries to undo and rewrite international norms for its own interests – demand a strategic reorientation and a new leadership role in the United Nations and the Security Council if it wants to avoid losing influence.

When President Biden took office, he reiterated: "America will be back in multilateral fora". At the Security Council, we can certainly see a "Biden effect". Previously, the US had become an unpredictable actor as US diplomatic staff at the UN did not receive clear instructions under the Trump administration and often pulled the plug at the last minute, despite having previously played along in the negotiations of resolutions.

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53. Gowan, Richard. December 2021. Major Power Rivalry and Multilateral Conflict Management. Discussion Paper Series on Managing Global disorder No. 8. Council on Foreign Relations, p. 1. (<https://www.cfr.org/report/major-power-rivalry-and-multilateral-conflict-management>).

Early in his presidency, Biden's Interim National Security Strategic Guidance<sup>54</sup> defined multilateral fora as vital to advancing US interests and the UN Security Council as a platform to respond to disinformation and aggressive actions and to denounce human rights violations. In the document President Biden highlights: "In a world of deepening rivalry, we will not cede this vital terrain."<sup>55</sup>

But the Biden administration also recognises that strategic competition does not, and should not, preclude working with China when it is in the national interest to do so and where interests are intertwined, such as climate change, global health security, arms control, and non-proliferation.<sup>56</sup> US officials continue to stress that their overarching objective is to restore credibility in US leadership and to engage with allies and competitors in a manner that builds trust.<sup>57</sup>

Until the Russian invasion of Ukraine, all three major powers – the US, China and Russia – were willing to cut deals when it was in their interest. Competition oscillated between vying for influence in some conflicts, cooperating to manage others, and in some cases doing both simultaneously.<sup>58</sup>

With conflict management by the Security Council limited to mitigation and containment, and with humanitarian access often the only avenue for cooperative action, the US should not only engage China in Council deliberations but also call on China to increase its financial contributions to UN humanitarian assistance, which remain incredibly low (USD9.2 million).<sup>59</sup> During the same year (2021), the US contributed USD11.04 billion to UN humanitarian assistance.<sup>60</sup>

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54. (<https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf>).

55. *Ibid.*, p. 13.

56. *Ibid.*, p. 21.

57. Hopkins, Alex, Stuhl, Rachel. 15 February 2022. The United States and the UN Security Council: Examining U.S. Perspectives and Approaches to Key Issues. Stimson Center. (<https://www.stimson.org/2022/the-us-and-the-un-security-council/>).

58. The latter has been practised in Libya, where Russian contractors support Khalifa Haftar, one of the warlords, whereas Russian diplomats engaged constructively in the two Berlin Libya Conferences and supported a subsequent Security Council resolution in 2020, paving the way for a volatile peace agreement. Gowan, Richard. December 2021.

59. China, Government of 2021. Financial Tracking Service. (<https://fts.unocha.org/donors/2976/summary/2021>).

60. United States of America, Government of 2021. Financial Tracking Service. (<https://fts.unocha.org/donors/2933/summary/2021>).

## CONCLUSION

China has already been successful in using the UN to promote and legitimise its agenda – minimising criticism of its domestic human rights record and engaging various UN bodies to limit Taiwan’s international space. It has also managed to align its own concept of development with the Agenda 2030 and received UN endorsement for the Belt and Road Initiative as an important developmental tool, irrespective of its geostrategic intentions and the creation of economic dependency on China. In particular, the latter safeguards the support of like-minded states and those in need of economic assistance for Chinese interests in the UN.

Increasingly, China has advanced in its aim to reshape the existing liberal international order and its institutions to its own interest. To recalibrate the emerging tilt within the UN system, the US must do more to re-engage with the UN. It needs a strategy that dissects and counteracts the various spheres of influence established by China within the institution. It has to expand issue-based coalitions to push back against Chinese efforts to change and distort the international order.<sup>61</sup> However, to create new partnerships, the US would do well to step away from American exceptionalism and show humility. As Jeffrey Feltman phrased it: “This is no longer the unipolar world of the 1990s, and the United States needs to acknowledge that other states have interests and goals that do not always align with ours.”<sup>62</sup>

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61. Kuo, Mercy A. 9 February 2021. The US and China at the UN: Global Diplomacy. Insights from Jeffrey Feltman. The Diplomat. (<https://thediplomat.com/2021/02/the-us-and-china-at-the-un-global-diplomacy/>).

62. Ibid.

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Before moving to Brussels, Ms Ostheimer served as Resident Representative of KAS in the DR Congo (2005-2009) and South Africa (2001-2005). Having been based for over 10 years in Sub-Sahara Africa, she also worked in Maputo, Mozambique for the Institute for Security Studies (ISS). Andrea Ostheimer brings along a vast experience in design and management of developmental projects in support of democratisation processes, including the implementation of EU-co-funded grants. In her research she mainly focused on democratisation processes in lusophone Africa and has been a research fellow at the South African Institute of International Affairs (SAIIA).

# The Politics of Global Health and the WHO

*Ilona Kickbusch*

## THE PANDEMIC CHALLENGE, GEOPOLITICS, AND THE WHO

For over two years, the pandemic has been the focus of global health debates and actions. The World Health Organisation (WHO) was catapulted into global awareness in early 2020 – never before has the organisation been subjected to this amount of public and political scrutiny. Two questions stood in the foreground and were endlessly debated: a) had the WHO “declared” the pandemic soon enough and b) had the WHO acted independently and responsibly or deferred to the wishes of one of its important member states, China.<sup>1</sup>

Over the last two years commissions, panels, and experts have tried to find answers<sup>2</sup>. But the momentous implications of these two questions for multilateralism in health have not been adequately addressed: the debate on the WHO had shifted from criticising the technical ability of an organisation – as was the case during the Ebola crisis in 2014/15<sup>3</sup> – to speculations about its political willingness to act or even its “dereliction of duty”.<sup>4</sup>

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1. theindependentpanel.org. 2022. An Evidence-based Quest to Protect Human Health. (<https://theindependentpanel.org/>); www.who.int. 2020. Listings of WHO’s response to COVID-19. (<https://www.who.int/news/item/29-06-2020-covidtimeline>).

2. Prashad, Vijay. 2020. The Real Reason Why the WHO Waited Until March to Declare a Global Pandemic. (<https://inthesetimes.com/article/world-health-organization-march-pandemic-covid-19>); Nebehay, Stephanie. 2021. Independent pandemic review panel critical of China, WHO delays. (<https://www.reuters.com/article/us-health-coronavirus-who-panel-idUSKBN29N1V1>).

3. Gostin, Lawrence, and Friedman, Eric A. 2014. Ebola: A crisis in global health leadership. *The Lancet*. ([http://dx.doi.org/10.1016/S0140-6736\(14\)61791-8](http://dx.doi.org/10.1016/S0140-6736(14)61791-8)).

4. Collins, Michael. 2020. The WHO and China: Dereliction of Duty. *Asia Unbound*. (<https://www.cfr.org/blog/who-and-china-dereliction-duty>).

Such criticisms imply that the world's foremost multilateral health organisation – and especially its elected director general – had in full knowledge of the facts endangered the health of the whole world to please one man, the Chinese president Xi Jinping. This extraordinary accusation became a cornerstone for many of the political conspiracy theories that have since hampered the COVID-19 response. In consequence, the trust architecture of global health has been severely damaged. Trust between countries, trust between people and their governments and trust in the WHO have been eroded.<sup>5</sup> It is critical that it be re-established. This is a responsibility that lies with all countries, but in particular with those who are strong supporters of international rules and multilateralism – especially the middle powers, the EU, the G7 and to some extent the G20 – and those who want an inclusive global health system and a powerful voice for low- and middle-income countries.

## THE PANDEMIC DID NOT BRING COUNTRIES TOGETHER

At the beginning of the pandemic, there was a great sense of optimism in the global health community that the pandemic could provide a defining moment to strengthen the global health system, bring countries together and bolster multilateralism in health;<sup>6</sup> but it did not. Safe and effective COVID-19 vaccines were developed in record time, but the mechanisms established to enable the sharing of vaccines equitably did not gain enough political and financial support. The WHO pleaded with the countries and companies that control the global supply of vaccines to prioritise the supply to COVAX, but the vast majority were administered in high- and upper-middle-income countries instead.<sup>7</sup> Had countries supported equitable distribution, there would have been enough to cover all health workers and older people globally. The global vaccine marketplace became one of the most profitable places to be in.<sup>8</sup>

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5. De Utra Mendes, Carla. 2021. Trust is the key to improving global health in a multi-polar world. King's College London. (<https://www.kcl.ac.uk/news/trust-global-health-multi-polar-world>).

6. Marschall, Paul, and Reiners, Wulf. 2020. CORONAVIRUS AS AN OPPORTUNITY FOR INTERNATIONAL COOPERATION. German Development Institute. (<https://www.die-gdi.de/en/the-current-column/article/coronavirus-as-an-opportunity-for-international-cooperation/>).

7. www.who.int. n.d. Vaccine Equity. (<https://www.who.int/campaigns/vaccine-equity>).

8. Oxfam International. 2021. Pfizer, BioNTech and Moderna making \$1,000 profit every second while world's poorest countries remain largely unvaccinated. (<https://www.oxfam.org/en/press-releases/pfizer-biontech-and-moderna-making-1000-profit-every-second-while-worlds-poorest>).

In year three of the pandemic global health inequities are more pronounced<sup>9</sup> and the relationship between high-income countries (HIC) and low- and middle-income countries (LMIC) has been undermined, fuelled by vaccine nationalism<sup>10</sup> and the long-drawn-out negotiations over a temporary Trade-Related Aspects of Intellectual Property Rights (TRIPS) waiver and the sharing of patents and technology.<sup>11</sup> This was especially palpable at the EU/AU Summit in February 2022 where African countries took strong positions in relation to vaccine inequity and the refusal of the EU to accept a TRIPS waiver.<sup>12</sup> At the WTO/TRIPS Council of 15 and 16 October 2020, India and South Africa submitted a TRIPS waiver request in which they proposed that the Agreement on Trade-Related Aspects of Intellectual Property Rights should be (largely) suspended during the COVID-19 pandemic. In addition to patent rights, this would affect other intellectual property rights such as designs, trade secrets and copyright and everything related to the pandemic, including not only vaccines and medicines but also medicinal products such as tests and ventilators.

The global political relevance of the pandemic surfaced and its differential impact was realised quickly by countries such as China, which practised mask and vaccine diplomacy early on. Two types of vaccine diplomacy emerged. The multi-lateral approach initially brought countries together to find a collective solution and share risks – for example through the original COVAX model. It found strong European support, with the European Commission together with the EU member states (Team Europe) so far pledging over €3 billion to COVAX, which makes the European Union one of COVAX's biggest donors.<sup>13</sup> However, Team Europe failed in providing poor countries with vaccines and sharing patents. The second type of vaccine diplomacy opted for bi-lateral donations or preferential contracts based on geopolitical considerations – this was practised especially by Russia, China, and India.<sup>14</sup> The access to vaccines quickly became part of larger economic and security

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9. [www.who.int. 2021. The impact of COVID-19 on global health goals. \(https://www.who.int/news-room/spotlight/the-impact-of-covid-19-on-global-health-goals\).](https://www.who.int/news-room/spotlight/the-impact-of-covid-19-on-global-health-goals)

10. [Bhatia, Ujal Singh. 2021. Vaccine Nationalism. \(https://www.southcentre.int/tag/vaccine-nationalism/\).](https://www.southcentre.int/tag/vaccine-nationalism/)

11. [www.twn.my. n.d. WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19. \(https://www.twn.my/title2/intellectual\\_property/trips\\_waiver\\_proposal.htm\).](https://www.twn.my/title2/intellectual_property/trips_waiver_proposal.htm)

12. [Tadesse, Lidet. 2022. The EU-AU Summit: Geopolitics, a pandemic and a partnership that struggles to thrive. \(https://ecdpm.org/talking-points/eu-au-summit-geopolitics-pandemic-partnership-struggles-thrive/\).](https://ecdpm.org/talking-points/eu-au-summit-geopolitics-pandemic-partnership-struggles-thrive/)

13. [ec.europa.eu. n.d. Overview of the Commission's response. \(https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/overview-commissions-response\\_en\).](https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/overview-commissions-response_en)

14. [thedi diplomat.com. n.d. Vaccine diplomacy. \(https://thedi diplomat.com/tag/vaccine-diplomacy/\).](https://thedi diplomat.com/tag/vaccine-diplomacy/)

considerations and alliances, with India playing a special role as a major vaccine-producing country.<sup>15</sup>

The political will to innovate and develop a new model of shared risk-taking in vaccine development and an equity-based approach to their distribution was lost, due on the one hand to a leadership gap left by the rift between the United States and China, and the strong political pressure in European nations to vaccinate their own populations and support their vaccine industry. HIC bought up the market and in parallel resorted back to familiar models of donations and development aid rather than finance a global public good that protects all.<sup>16</sup> The constant challenge to countries by new COVID-19 variants shows the limits and the long-term impacts of the road chosen.

**Table 1: Definition of the Terms COVAX and ACT-A.**

Acronym	Definition
COVAX	"COVAX is the vaccines pillar of the Access to COVID-19 Tools (ACT) Accelerator. [...]. Its aim is to accelerate the development and manufacture of COVID-19 vaccines, and to guarantee fair and equitable access for every country in the world." <sup>17</sup>
ACT-A	"The ACT Accelerator is a ground-breaking global collaboration to accelerate the development, production, and equitable access to COVID-19 tests, treatments, and vaccines." <sup>18</sup>

The mishandling of the COVID-19 pandemic globally and within HIC was defined primarily by political factors, including the lack of political will to work together to resolve a common threat. The WHO repeatedly laid out the road map to follow, but the divisive politicisation of the pandemic globally and nationally – especially in 2020 – laid the basis for failure.<sup>19</sup> Attacking the WHO was an integral part of this development.

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15. Laskar, Rezaul H. 2022. Quad announces measures to boost vaccine partnership. (<https://www.hindustantimes.com/india-news/quad-announces-measures-to-boost-vaccine-partnership-101644602205436.html>); Aspinall, Evie. 2021. The Rise of Vaccine Diplomacy. (<https://bfp.co.uk/2021/07/the-rise-of-vaccine-diplomacy/>).

16. Mueller, Benjamin, and Robbins, Rebecca. 2021. Where a Vast Global Vaccination Program Went Wrong. (<https://www.nytimes.com/2021/08/02/world/europe/covax-covid-vaccine-problems-africa.html>).

17. www.who.int. n.d. COVAX - Working for global equitable access to COVID-19 vaccines. (<https://www.who.int/initiatives/act-accelerator/covax>).

18. www.who.int. n.d. COVAX - Working for global equitable access to COVID-19 vaccines. (<https://www.who.int/initiatives/act-accelerator/covax>).

19. Bookholane, Hloni, and Vervoort, Dominique, and Manoj, Malvika, and Malave-Trowbridge, Daniella, and Jumbam, Desmond T. 2021. Recalibrating global health: how COVID-19 can bring us together. *Journal of Global Health Reports* Vol. 5. (<https://doi.org/10.29392/001c.25474>).



## THE TRUMP ATTACK

Initially it was the US and its president, Donald Trump, that led the attack on the WHO and its director general in early 2020 and throughout the 18 months that followed. He blamed the WHO for getting “every aspect” of the coronavirus pandemic wrong and threatened to withhold US funding. This had severe ramifications throughout the United Nations (UN) system, in the United Nations General Assembly (UNGA) and the United Nations Security Council and impacted on negotiations in other bodies such as the G7 and the G20. Urgent decisions to collectively fight the pandemic were not possible. For example, the US would not sign declarations that included reference to the WHO, or it would insist that the coronavirus be called the WUHAN virus. These positions hampered a joint approach to the pandemic from the very start – alliances that had worked to fight other pandemics or disease outbreaks were not possible. A critical window of opportunity for collective action was closed and the WHO’s reputation was severely affected.<sup>20</sup>

Much of the analysis of the events in 2020 and 2021 does not reflect enough on the fact that for over two years the WHO’s largest financial contributor held the organisation hostage for reasons of geopolitical positioning and populist national gain. In order to attack China, the WHO had to be damaged. President Trump finally announced – as we now know on a whim to pepper a speech in the rose garden of the White House – the intention to withdraw from the organisation in mid-2021.<sup>21</sup> In this period a severe political rift between the European Union and the US emerged not only in relation to the pandemic response, but also other geopolitical positions. Indeed, this led to the EU now defining itself as a geopolitical actor with a strong commitment to multilateralism.<sup>22</sup>

The EU and many of its member states politically supported the WHO, financially supported the COVID-19 response, including new mechanisms such as the access to COVID-19 Tools (*ACT*) Accelerator, and COVAX, and proposed a pandemic treaty to strengthen the WHO’s ability to act as well as bind member states for col-

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20. Kopecki, Dawn, and Lovelace Berkeley. 2020. Trump blames WHO for getting coronavirus pandemic wrong, threatens to withhold funding. (<https://www.cnbc.com/2020/04/07/trump-blames-who-for-getting-coronavirus-pandemic-wrong-threatens-to-withhold-funding.html>).

21. Holland, Steve, and Nichols, Michelle. 2020. Trump cutting U.S. ties with World Health Organization over virus. (<https://www.reuters.com/article/us-health-coronavirus-trump-who-idUSKBN2352YJ>).

22. ecf.eu. 2022. The birth of geopolitical Europe: In conversation with Josep Borrell. (<https://ecfr.eu/event/the-birth-of-a-geopolitical-europe-in-conversation-with-josep-borrell/>).

lective action.<sup>23</sup> In 2020/21 Germany became the WHO's major donor.<sup>24</sup> But at the same time the EU dragged its feet in relation to sharing vaccines with LMIC and it opposed the proposal by India and South Africa at the World Trade Organisation to implement a TRIPS waiver for vaccines, diagnostics, and therapeutics.<sup>25</sup>

The destructive seed sowed by the Trump administration bore fruit as a dynamic of increased de-coupling of global health – not only between the US and China but also between European and American positions, which is continuing, albeit at another level. The Biden administration was initially not in favour of a pandemic treaty and did not support increased assessed contributions to the WHO – extensive negotiations (that cost much time) led to a closer alignment. The US also took a different position to the EU on the TRIPS waiver. This of course also reflects politics “back home” against supporting multilateralism and global agreements in general and strengthening a WHO that is still seen by many US politicians as China-friendly and ineffective. In the same vein, no agreement could be reached on major financial tools that would have been necessary for a determined pandemic response and its economic and social impact – as some countries wanted a new mechanism to be established separate from the WHO at the World Bank, whereas others wanted it closely linked to the organisation.<sup>26</sup>

## FINANCING AS A POLITICAL PROXY DOMINATES THE GLOBAL HEALTH ARENA

The political stand-off in the first two years of the pandemic has enormous consequences for LMIC. Now, with the Ukraine war changing global dynamics yet again, it is probably too late to get the billions required for pandemic preparedness and response, as well as for the WHO and global health in general, even though other

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23. Herszenhorn, David M. 2020. Charles Michel proposes ‘international pandemic treaty’. Politico. (<https://www.politico.eu/article/charles-michel-proposes-international-pandemic-treaty/>).

24. Farge, Emma, and Roy, Mrinalika. 2022. Germany overtakes US as top donor as WHO chief urges funding reform. (<https://www.swissinfo.ch/eng/germany-overtakes-us-as-top-donor-as-who-chief-urges-funding-reform/47287418>).

25. www.twn.my. n.d. WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19. ([https://www.twn.my/title2/intellectual\\_property/trips\\_waiver\\_proposal.htm](https://www.twn.my/title2/intellectual_property/trips_waiver_proposal.htm)).

26. www.imf.org. n.d. Policy Tracker. (<https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>); High Level Independent Panel (HLIP) on Financing the Global Commons for Pandemic Preparedness and Response. 2022. A GLOBAL DEAL FOR OUR PANDEMIC AGE. (<https://pandemic-financing.org/report/high-level-summary/>).

diseases mount again and health systems and health workers have been severely impacted by the pandemic.<sup>27</sup>

The WHO has calculated the massive gaps in terms of funding pandemic preparedness and response at around US\$10.5 billion per year, at a national level (US\$ ~7 billion per year) and at the regional and global levels (US\$ ~3.5 billion per year), with international funding flows playing a complementary role to domestic financing. While rapid response funding activities significantly increased when the COVID-19 pandemic began, many of these mechanisms remained time-bound and limited in effectiveness. But the next crisis looms: with the Ukraine war raging, United Nations High Commissioner for Refugees (UNHCR) projects 10 million people on the move from and within Ukraine,<sup>28</sup> the fear of political destabilisation mounts as energy and food prices soar,<sup>29</sup> and the reorientation of European security policy leads countries to invest more in the military.<sup>30</sup>

The combined crises have opened a principled debate about multilateralism in health and the end of its “golden era”, which had led to substantial financial increases, but also increased fragmentation. One positive effect during the pandemic had been that the major health agencies worked together in governing ACT-A and COVAX and that important WHO road maps and networks for scientific and technical cooperation received a significant boost.<sup>31</sup> But as the need for significant new and additional funding mounts, health organisations are put in competition with one another and with their common project ACT-A.

The global health world works on funding cycles and short-term development gains and 2022 is the year of major replenishments of global health institutions like GAVI, the Global Fund and ACT-A. Germany will co-host the Gavi COVAX Advance Market Commitment (Gavi COVAX AMC) 2022 Summit to help raise urgent funding to support lower-income countries’ dynamic COVID-19 vaccination needs.<sup>32</sup> In

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27. [www.theglobalfight.org](https://www.theglobalfight.org). 2022. How COVID-19 is Affecting the Global Response to AIDS, Tuberculosis and Malaria. (<https://www.theglobalfight.org/covid-aids-tb-malaria/>).

28. [data2.unhcr.org](https://data2.unhcr.org). 2022. Refugees fleeing Ukraine. (<https://data2.unhcr.org/en/situations/ukraine>).

29. *The Economist*. 2022. A war in Ukraine could have global consequences. (<https://www.economist.com/leaders/2022/01/29/a-war-in-ukraine-could-have-global-consequences>).

30. [www.dw.com](https://www.dw.com). 2022. Germany commits €100 billion to defense spending. (<https://www.dw.com/en/germany-commits-100-billion-to-defense-spending/a-60933724>).

31. Farrar, Jeremy, and Galvin, Molly. 2022. Major Reforms Have Been Driven by Crisis. (<https://issues.org/jeremy-farrar-interview-welcome-covid/>).

32. [www.gavi.org](https://www.gavi.org). 2022. Germany to co-host 2022 Gavi COVAX AMC Summit, pledges additional funding for COVID-19 vaccination in lower-income countries. (<https://www.gavi.org/news/media-room/germany-co-host-2022-gavi-covax-amc-summit-pledges-additional-funding-covid-19>).

December 2021 ACT-A put out an ask for US\$23.4 billion until September 2022; of this, the WHO's funding needs are US\$1.57 billion, less than 7 per cent of the total ask. This now seems increasingly unrealistic. Because of this some experts suggest that the WHO should also go down the road of replenishments because its member states will not increase assessed contributions.<sup>33</sup>

But as crises mount and compete the approach of financing global health challenges through short-term ODA (overseas development assistance) and major foundations is increasingly showing its limits.<sup>34</sup> There is also criticism of the role of private philanthropies such as the Bill and Melinda Gates Foundation as exerting too much influence on global health priorities and on the WHO.<sup>35</sup> The competitive replenishment model has turned global health into a marketplace with flashy investment cases, contracts with marketing agencies to pitch to donors and a pressure to show short-term progress. The mantra "what gets measured gets done" supports the short-term orientation and makes it difficult to argue for sustainable long-term investment. It makes it increasingly difficult for the WHO to be funded for its normative and convening work.

## WHAT IS THE LARGER COLLECTIVE ACTION PROBLEM?

The fear of a weakening of global health was already present a decade ago<sup>36</sup>. One could argue that it was then that the cracks began to show, also because of a 25-year history of fragmentation in global health based on development funding and issue-focused philanthropy rather than the financing of and political support to global common goods. Over the years, an increasing number of new global health organisations have been founded, most often through the political push by a group of donor countries.<sup>37</sup>

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33. Gostin, Lawrence O, and Klock, Kevin A, and Clark, Helen, and Diop, Fatimatou Zahra, Mahmood, and Dayanath Jayasuriya Jemilah, and Waris, Attiya. 2022. Financing the future of WHO. *The Lancet*. ([https://doi.org/10.1016/S0140-6736\(22\)00533-5](https://doi.org/10.1016/S0140-6736(22)00533-5)).

34. donortracker.org. 2022. Beyond ODA: Opportunities and challenges for new and additional funding for global health. (<https://donortracker.org/insights/beyond-oda-opportunities-and-challenges-new-and-additional-funding-global-health>).

35. Crawford, Julia. 2021. Does Bill Gates have too much influence in the WHO? (<https://www.swissinfo.ch/eng/does-bill-gates-have-too-much-influence-in-the-who-/46570526>).

36. Morrison, J. Stephen. 2012. The End of the Golden Era of Global Health? ([https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy\\_files/files/publication/120417\\_gf\\_morrison.pdf](https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/120417_gf_morrison.pdf)).

37. Hoffman, S.J., and Cole, C.B. 2018. Defining the global health system and systematically mapping its network of actors. *Global Health* 14, 38. (<https://doi.org/10.1186/s12992-018-0340-2>).

Usually, they are focused on a specific disease or challenge (AIDS, Vaccination, Malaria, and Diagnostics) and financed by a coalition of major donors. While their multi-stakeholder governance is an innovation compared to the UN agencies who are governed solely by the member states, they do remain donor-driven and beholden to the major funders.<sup>38</sup> Also the paradox that comes with increased stakeholders in global health organisations has not been sufficiently analysed.<sup>39</sup>

In contrast, the identity, utility and pride of the WHO lies in it being the most inclusive of UN organisations, counting 194 member states. But that often stands in the way of agility, not only because of being a UN bureaucracy but also because of a lack of unity and clear decisions by member states. Over decades member states cannot agree if they want a strong normative organisation (the ministries of health) or a global health development agency (the ministries of development) and they cover this disagreement with a constant call for WHO reform. They expect efficiency and impact but are not willing to provide the resources to let the organisation live up to their expectations.<sup>40</sup> This is one of the reasons why new health organisations are created.

The failure to act long-term and invest early and sustainably in pandemic preparedness or in health systems – the pattern of panic and neglect – leads to a health crisis which in turn leads to calls for billions of dollars for short-term health and humanitarian response. But even within the surge that comes with emergency response the WHO and its emergency programme, the WHO Health Emergencies Programme (WHE), continue to be severely underfunded. While firefighting the pandemic they must fundraise for the resources to do so, because member states are not willing to put it on a secure financial footing.<sup>41</sup>

To be clear, the unwillingness to increase the WHO's assessed contributions is less driven by the funds required than by the political concern of some countries of this leading to a stronger, more independent, normative organisation in which low- and middle-income countries have the majority to set agendas and the director

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38. Kavanagh Matthew M., and Chen, Lixue. 2019. Governance and Health Aid from the Global Fund: Effects Beyond Fighting Disease. (<https://annalsofglobalhealth.org/articles/10.5334/aogh.2505/>).

39. Hanegraaff, M., and Poletti, A. 2018. The stakeholder model paradox: How the globalisation of politics fuels domestic advocacy. *Review of International Studies*, 44(2). (<https://doi.org/10.1017/S0260210517000419>).

40. Kickbusch, Ilona. 2020. COVID-19 Is Smoke and Mirrors—What Matters Is International Law. (<https://www.thinkglobalhealth.org/article/covid-19-smoke-and-mirrors-what-matters-international-law>).

41. Gostin, Lawrence O, and Klock, Kevin A, and Clark, Helen, and Diop, Fatimatou Zahra, Mahmood, and Dayanath Jayasuriya Jemilah, and Waris, Attiya. 2022. Financing the future of WHO. *The Lancet*. ([https://doi.org/10.1016/S0140-6736\(22\)00533-5](https://doi.org/10.1016/S0140-6736(22)00533-5)).

general would have more power. Even now, many member states are not pleased by the director general taking clear positions on political issues: calling out vaccine apartheid, supporting a TRIPS waiver, criticising sexual violence in Tigray and calling for a stop to attacks on health facilities in Ukraine. Because of the conflicts in Tigray, he is attacked by his own country, which was not willing to put him up for re-election. Germany as the major donor then assembled a coalition to propose him for a second term.<sup>42</sup> He has since been re-elected at the May 2022 World Health Assembly. This Assembly also took the decision to gradually increase the assessed contributions to the WHO starting with the WHO's 2024–25 budget. The aim is to reach 50 per cent of the WHO's budget by 2028–2029 if possible, and by 2030–31 at the latest. This would mean that by 2028–2029, the WHO would see an increase of roughly US\$600 million a year in the part of its income that comes from the most sustainable and predictable sources.

The US has continued to devise models of organisations that could replace the WHO or some of its functions and the G20 has become a preferred forum to discuss a “new architecture”.<sup>43</sup> Indeed, some have proposed a much stronger role for the G20 in global health, especially since many of the global health challenges are related to significant needs for funding and investment. In February 2022, the G20 Finance Ministers and Central Bank Governors held a *High-Level Seminar on Strengthening Global Health Architecture* where the World Bank presented its work on creating a US\$10-billion new Financial Intermediary Fund – FIF – to increase financing for pandemic preparedness and response.<sup>44</sup> This proposal is close to finalisation but some elements of the relationship between the World Bank and the WHO still remain to be clarified.

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42. Nebehay, Stephanie, and Rinke, Andreas, and Paravicini, Giulia. 2021. Germany seeks backing for Tedros at WHO helm as Africa quiet – diplomats. (<https://www.swissinfo.ch/eng/germany-seeks-backing-for-tedros-at-who-helm-as-africa-quiet---diplomats/46970232>).

43. g20.org. 2021. President Joko Widodo Encourages G20 to Strengthen Global Health Architecture for Economic Recovery. (<https://g20.org/presiden-joko-widodo-dorong-g20-perkuat-arsitektur-kesehatan-global-untuk-pemulihan-ekonomi/>).

44. [www.worldbank.org](https://www.worldbank.org). 2022. Remarks by World Bank Group President David Malpass to G20 Finance Ministers and Central Bank Governors in the High-Level Seminar on Strengthening Global Health Architecture. (<https://www.worldbank.org/en/news/speech/2022/02/17/malpass-remarks-g20-finance-ministers-central-bank-governors-strengthening-global-health>).

## THE POLITICAL DIMENSION – LOOKING BACK AT THE LEAGUE OF NATIONS

The Ukraine war has again put a spotlight on multilateralism and the United Nations – and any weakening or decoupling will also affect the multilateral health organisations, including the WHO, that has only just been in the centre of a pandemic political storm. More than any other UN organisation it is dependent on cooperation by all countries in view of cross-border health threats – “no one is safe until everyone is safe”<sup>45</sup> is what the virus has taught us. But the last two years have shown how politics can derail global health and how the WHO must act within a very complex political minefield.

One of the criticisms has been that the WHO is too weak to call out countries and that its key reference group – the ministers of health – lack the political clout to take serious decisions during a pandemic. The Independent Panel has suggested taking the politics of health to the United Nations in New York by creating a Global Threats Council, which would take the necessary political decisions in the face of a pandemic and would also be responsible for releasing the funds to respond.<sup>46</sup> But the larger question – which now picks up speed in relation to the Ukraine war and the actions by President Putin – is about the extent to which a health crisis can remain depoliticised in the context of a UN technical agency such as the WHO, whose very role is to keep countries from decoupling on global health matters. Global initiatives such as the eradication of smallpox, the fight against polio and the response to SARS and Ebola have only been possible because countries who are politically divided work together on health issues that cross borders and threaten all of them.

The list of health atrocities – including attacks on health workers and health facilities, attacks on civilians, as well as rape and torture as a tool of war – committed by WHO member states over decades is long; the approach so far has been to discuss these in the political fora of the UNGA or the Human Rights Council, not in the governing bodies of the WHO, with the exception of the occupied Palestinian territory. But the lack of power to hold countries accountable, both in relation to their failures in the COVID-19 pandemic towards their own peoples and towards

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45. [www.archbishopofcanterbury.org](https://www.archbishopofcanterbury.org). 2022. No-one is safe until everyone is safe – why we need a global response to COVID-19. (<https://www.archbishopofcanterbury.org/news/news-and-statements/no-one-safe-until-everyone-safe-why-we-need-global-response-covid-19>).

46. [theindependentpanel.org](https://theindependentpanel.org/). 2022. An Evidence-based Quest to Protect Human Health. (<https://theindependentpanel.org/>)

other nations, is increasingly seen as a weakness of the WHO that must be addressed with urgency.<sup>47</sup> There have been calls to take responsible politicians to the International Criminal Court in relation to their pandemic failures<sup>48</sup> as well as now in relation to the crimes against humanity in the Ukraine war.<sup>49</sup> This is both a reflection of the general tendency to disregard global agreements reached in the multilateral space and a move in many Western countries towards revisiting the role of morals in foreign policy.<sup>50</sup>

The attacks on the WHO during the COVID-19 pandemic and the challenges emerging from the Ukraine war reawaken memories of the League of Nations. After World War I the first worldwide intergovernmental organisation – the League of Nations – was created and health was considered a part of its principal mission to maintain world peace. In 1920, the League created its own Health Organisation with the aim to create a joint vision of health between all countries and to give health the same priority as other means of peacebuilding. Governments would not only cooperate on broad issues pertaining to health and its determinants, but also on technical health matters, and they would also agree to an international epidemic control system that brought countries – who in some cases were otherwise enemies or economic competitors – together to share data.<sup>51</sup>

But as political tensions rose, member states either withdrew or were excluded from the League and health was increasingly politicised. The League had not been able to prevent the war and was no longer able to function under conditions of a major war. The founders of the WHO in 1948 wanted to learn from this demise and tried to separate science and health concerns from international politics. Therefore, they suggested a separate health organisation that was also physically removed

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47. Pai, Madhukar. 2021. A Pandemic Defined By Failures: Who Can Hold Nations Accountable? Forbes. (<https://www.forbes.com/sites/madhukarpai/2021/01/20/a-pandemic-defined-by-failures-who-can-hold-nations-accountable/?sh=112618271842>).

48. www.bmj.com. 2021. Politicians must be held to account for mishandling the pandemic. The BMJ. (<https://www.bmj.com/company/newsroom/politicians-must-be-held-to-account-for-mishandling-the-pandemic/>).

49. Inglis, Shealley. 2022. Putin puts international justice on trial – betting that the age of impunity will continue. (<https://theconversation.com/putin-puts-international-justice-on-trial-betting-that-the-age-of-impunity-will-continue-178836>).

50. Nye, Joseph S. 2020. Why morals matter in foreign policy. Australian Strategic Policy Institute. (<https://www.aspistrategist.org.au/why-morals-matter-in-foreign-policy/>).

51. Nature. 1939. Health Organisation of the League of Nations. *Nature* 144, 412. (<https://doi.org/10.1038/144412c0>); Sealey, Patricia Anne. 2011. The League of Nations Health Organisation and the Evolution of Transnational Public Health. ([https://etd.ohiolink.edu/apexprod/rws\\_etd/send\\_file/send?accession=osu1306338169&disposition=inline](https://etd.ohiolink.edu/apexprod/rws_etd/send_file/send?accession=osu1306338169&disposition=inline)).



from the “political” UN in New York as well as from the UN in Geneva and would allow countries to concentrate on matters of health.<sup>52</sup>

Despite the idealism of its founders, the WHO was confronted with politics from day one. For decades the WHO was challenged to deal with Cold War conflicts as well as those related to the decolonisation processes. As new countries emerged, and membership increased, one diplomatic approach to avoiding controversies was to assign countries to specific regions – for example, Israel is part of the European Region of the WHO and not the Eastern Mediterranean Region.<sup>53</sup> There are always member states at war with one another or engaged in civil strife – but the goal and intent of the WHO has always been to keep them engaged with the organisation and to address major health challenges together.

Indeed, the WHO also responded to major global political trends. The reorientation of the WHO in 1978 by Director General Halfdan Mahler to embrace Health for All and Primary Health Care was based on the call by developing countries for a New International Economic Order.<sup>54</sup> Director General Gro Harlem Brundtland in 2001 responded to the neo-liberal turn in world politics by presenting a new approach to macroeconomics and health, arguing that investing in health would contribute significantly to economic development.<sup>55</sup>

During the Ebola outbreak in West Africa in 2014-2015, the WHO had to contend with civil war and its aftermath, as all three countries involved had a complex conflict-affected recent history.<sup>56</sup> Today nine countries and territories in the Eastern Mediterranean Region of the WHO are experiencing large-scale, protracted humanitarian crises almost entirely driven by conflict.<sup>57</sup> The Region is the source of 64 per cent of the world’s refugees while 18.7 million people living in the Region

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52. Cueto, Marcos, and Brown, Theodore M., and Fee, Elizabeth. 2019. *The World Health Organization: A History*. Cambridge: Cambridge University Press.

53. [www.euro.who.int. n.d. World Health Organization Regional Office for Europe. \(https://www.euro.who.int/en\).](https://www.euro.who.int/en)

54. Gilman, Nils. 2015. *The New International Economic Order: A Reintroduction*. *Humanity Journal*. (<https://doi.org/10.1353/hum.2015.0008>).

55. WHO Commission on Macroeconomics and Health & World Health Organization. 2001. *Macroeconomics and health: investing in health for economic development: executive summary / report of the Commission on Macroeconomics and Health*. ([https://apps.who.int/iris/bitstream/handle/10665/42463/9241545526\\_ger.pdf?sequence=2&isAllowed=y](https://apps.who.int/iris/bitstream/handle/10665/42463/9241545526_ger.pdf?sequence=2&isAllowed=y)).

56. Buseh, Aaron G., and Stevens Patricia E., and Bromberg, Mel, and Kelber, Sheryl T. 2015. *The Ebola epidemic in West Africa: Challenges, opportunities, and policy priority areas*. *Nurs Outlook* Vol. 63. (<https://doi.org/10.1016/j.outlook.2014.12.013>).

57. <http://www.emro.who.int/>. n.d. *World Health Organization Regional Office for Eastern Mediterranean*. (<http://www.emro.who.int/index.html>).

are internally displaced.<sup>58</sup> Yet all countries work with the WHO and attend the governing bodies' meetings. Countries such as Cuba are praised for their progress in health despite locking up dissidents, and authoritarian rulers receive awards for tobacco control. That is the daily bread and butter of the organisation at all levels of its governance – global, regional and country level.

But major problems arise if the big powers create unrest for the organisation and use the WHO as a proxy. In the 1950s the WHO was attacked for being beholden to the US, which led to the “inactive” membership of the USSR and eight other communist European states for several years until they returned as full-fledged members in 1956 after the death of Stalin. In the same period the WHO had to deal with the attacks by US Senator McCarthy, who maintained that it was home to communist infiltration. The attacks were not dissimilar to the ones around the WHO and China during the pandemic.<sup>59</sup>

Many countries who suppress their populations and do not invest in their health sit in the WHO governing bodies. Or they use health as a key component to legitimise their autocratic power. On the other hand, not all democratic countries invest in the health of their populations or are committed to health equity. Only very exceptionally does the organisation send a strong message: in the 1970s, member states decided to suspend the membership of the apartheid regime of South Africa.<sup>60</sup> Today the WHO regularly faces debates in its governing bodies on the Palestinian question<sup>61</sup> or the membership of Taiwan;<sup>62</sup> indeed, recently the Director General has been attacked in the Executive Board by Ethiopia because of his calling out of the atrocities committed against women in Tigray.<sup>63</sup> The World

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58. [www.healthdata.org](https://cdn.who.int/media/docs/default-source/documents/emergencies/who_ghesa-2022_emro.pdf). 2022. Eastern Mediterranean Region. ([https://cdn.who.int/media/docs/default-source/documents/emergencies/who\\_ghesa-2022\\_emro.pdf](https://cdn.who.int/media/docs/default-source/documents/emergencies/who_ghesa-2022_emro.pdf)).

59. Shafer, Ronald G. 2020. The World Health Organization — under attack by Trump — was targeted by conservatives in 1948, too. *Washington Post*. (<https://www.washingtonpost.com/history/2020/04/19/who-conservatives-trump-history/>).

60. Teltsch, Kathleen. 1974. South Africa Is Suspended By U.N. Assembly, 91 - 22. *New York Times*. (<https://www.nytimes.com/1974/11/13/archives/south-africa-is-suspended-by-un-assembly-9122-un-session-barssouth.html>).

61. Hoecklin, Madeleine. 2021. WHO Executive Board Rejects Israel's Proposal To Remove Standalone Agenda Item On Palestinian Health Conditions. (<https://healthpolicy-watch.news/81781-2/>).

62. Chen, Yu-jie , and Cohen, Jerome A. 2020. Why Does the WHO Exclude Taiwan? (<https://www.cfr.org/in-brief/why-does-who-exclude-taiwan>).

63. Radio France Internationale (RFI). 2022. Ethiopia slams WHO chief at international meeting over Tigray comments. (<https://www.rfi.fr/en/international/20220125-ethiopia-slams-who-chief-at-international-meeting-over-tigray-comments>).

Health Assembly – the key governing body of the WHO – in May 2022 voted in favour of a resolution that condemned Russian attacks on the health care system in Ukraine.

## **CAN RULES BIND THE MEMBER STATES OF THE WHO?**

The pandemic has highlighted again what has plagued the WHO from the very beginning: can countries irrespective of their politics work together on health within a multilateral trust architecture such as the WHO? Is a joint vision of health possible between countries who are otherwise in competition – ideologically or economically – or are even at war? Should democracies work on health with countries who are oppressing their populations? Are all countries willing to accept rules – like the International Health Regulations (IHR) – for notification as well as investigations by the organisation of which they are a member? Are they willing to share data and information with the organisation to benefit all countries? Are they willing to have a strong international health organisation with the authority to call them out if they do not fulfil their obligations – like the implementation of the International Health Regulations? Should sanctions be possible?

All these questions arise again as analysis is conducted on the response of countries to the pandemic: why most member states do not comply with the IHR or why a pandemic treaty might bind member states in new ways that make them better prepared for a pandemic and more reliable in their response.<sup>64</sup> Historically the “classical regime of disease control” was built on two pillars: obligations on States Parties to (1) notify each other about outbreaks of specified infectious diseases in their territories; and (2) limit disease-prevention measures that restricted international trade and travel to those based on scientific evidence and public health principles. But as the League of Nations showed: as political tensions mount, the pillars cannot be upheld. Nations withdrew from the League and epidemic intelligence was no longer a common good but declared a military secret instead.<sup>65</sup>

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64. Vervoort, Dominique, and Ma, Xiya, and Sunderji, Alia, and Bookholane, Hloni. 2021. The international treaty for pandemic preparedness and response: same story, different times? *Future Virology*. (<https://doi.org/10.2217/fvl-2021-0214>).

65. Fidler, David P. 2005. From International Sanitary Conventions to Global Health Security: The New International Health Regulations. *Chinese Journal of International Law*. (<https://doi.org/10.1093/chinesejil/jmi029>).

The IHR adopted in 2003 aimed to address these issues after difficult negotiations and was hailed as a breakthrough.<sup>66</sup> But as COVID-19 has shown, it too has proved to be insufficient.<sup>67</sup> Based on the IHR, the WHO declared on 30 January 2020 that there was a public health emergency of international concern (PHEIC)<sup>68</sup> – but most high-income countries did not begin to act until late in March 2020, making Europe and the US the epicentre of the pandemic. This was in large part due to political miscalculation by their leaders – which made it politically highly attractive to put the blame exclusively at the door of the WHO.

This political tension haunts the work of the WHO to this day: will countries fulfil their obligations to notify the WHO speedily even if they might experience negative reactions – like trade restrictions or travel stops – as many of them have? Indeed, the extreme supply chain interconnectivity as well as tourist flows in the context of globalisation were not foreseen in the IHR, nor was the “weaponisation of everything”, including health. The WHO is presently advising Ukraine to destroy all high-threat pathogens housed in the country’s public health laboratories to prevent «any potential spills» that would spread disease among the population.<sup>69</sup> Russia, one might add, is one of two countries – the other being the US – that still houses the smallpox virus.

Should the WHO be able to declare a PHEIC even if the epidemic notification is not forthcoming or confirmed by a country? Should it have the power – through a pandemic treaty – to declare a pandemic, which in turn would trigger political action and financial resources? Would an independent and authoritative organisation even be possible at the centre of global pandemic control or is that an illusion all committees and panels have decided to build on? These are the questions the member states must deal with as they consider a new pandemic treaty. And the present political situation does not bode well that an agreement would be possible. Any agreement must put in place mechanisms that start from a worst-case

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66. Fidler David P., and Gostin, Lawrence O. 2006. The new International Health Regulations: an historic development for international law and public health. *J Law Med Ethics*. (<https://doi.org/10.1111/j.1748-720X.2006.00011.x>).

67. Fidler, David P. 2005. From International Sanitary Conventions to Global Health Security: The New International Health Regulations. *Chinese Journal of International Law*. (<https://doi.org/10.1093/chinesejil/jmi029>).

68. World Health Organization. 2020. COVID-19 Public Health Emergency of International Concern (PHEIC) Global research and innovation forum. ([https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-\(pheic\)-global-research-and-innovation-forum](https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-(pheic)-global-research-and-innovation-forum)).

69. Rigby, Jennifer, and Landay Jonathan. 2022. EXCLUSIVE WHO says it advised Ukraine to destroy pathogens in health labs to prevent disease spread. *Reuters*. (<https://www.reuters.com/world/europe/exclusive-who-says-it-advised-ukraine-destroy-pathogens-health-labs-prevent-2022-03-11/>).

scenario and that factor in politics. All the planning for the “next pandemic” did not take a geopolitical conflict and the impact the decoupling of two great powers would have on global health into account. The key question for the upcoming World Health Assembly – underlying all other issues that will be discussed – is therefore how to maintain multilateralism in health at a time of a serious geopolitical divide.

## THE WHO, THE PANDEMIC AND THE UKRAINE WAR

The concerns about the Ukraine war and its impact are pushing the ongoing COVID-19 pandemic from the headlines and the political agenda. 2022 was to be the year when the world would begin to implement the proposals made by a wide range of bodies to improve the architecture and financing of pandemic preparedness and response. It was to be the year in which the negotiations for a new international instrument – a global pandemic treaty – were to move forward with determination at the WHO. And there was hope that the WHO member states would be willing to increase their assessed contributions to make the organisation stronger and that they would support the new instrument – the ACT-A – with significant financing. Both the COVID-19 pandemic and the Ukraine war have shaken up multilateralism in different ways. The full ramifications for the geopolitical order of these twin crises cannot yet be fully ascertained. How will countries work together in future and in which constellations? While the pandemic called for global cooperation of all countries, the Ukraine war is leading to a division between groups of countries and spheres of influence while knitting others together more.<sup>70</sup>

As many Western observers have stated, this is not only a war against a country, but also an attack on the post-1989 global order and on democracy.<sup>71</sup> This is not a key concern for a wide range of autocratic countries and their allies – the resolution demanding an end to Russia’s invasion in the UNGA had a majority but also highly significant abstentions.<sup>72</sup> This was also the case for the resolution at the WHA in May 2022. The G20 and BRICS members China, India and South Africa are biding their time. The attack on the Ukraine and the brutal methods applied

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70. Uehara, Akiko. 2022. Diplomatic isolation of Russia - a tricky strategy in International Geneva. (<https://www.swissinfo.ch/eng/diplomatic-isolation-of-russia---a-tricky-strategy-in-international-geneva/47457510>).

71. Stokes, Susan. 2022. The Global Struggle for Democracy Is in Ukraine. (<https://www.project-syndicate.org/commentary/ukraine-center-of-global-struggle-for-democracy-by-susan-stokes-2022-03>).

72. news.un.org. 2022. General Assembly resolution demands end to Russian offensive in Ukraine. (<https://news.un.org/en/story/2022/03/1113152>).

– including strikes on health facilities<sup>73</sup> – repudiates the norms and rules of the multilateral system and at the same time shines a light on many of its weaknesses. The fruitless debates at the UN Security Council on matters related to the war<sup>74</sup> show the consequences of not introducing the much-needed reform of the UN system following the enormous political changes in 1989. It failed Mariupol and Bucha, as it failed Srebrenica and Aleppo, to name but some instances.<sup>75</sup>

A new balance of power is being shaped and there is no sphere of global action that is not affected by this development and there is no international organisation that will not be impacted. It has consequences for the geopolitics of the pandemic and for the future of the WHO. The dynamics are already playing out for global health and its organisations – politically and financially as the political attention and money for global health is being eclipsed by the war, the millions of refugees, and the impending global hunger crisis.<sup>76</sup>

It is this destructive interplay of factors related to human security<sup>77</sup> that will need to be addressed with urgency at the United Nations, the G7 and the G20. Kishore Mahbubani, one of the leading Asian political commentators, already in 2018 analysed the new terms of engagement that will be necessary as Western power recedes.<sup>78</sup> He points out that working together on global challenges will be necessary for our survival and that this requires “strong global councils”. Contrary to many American observers he calls for a re-legitimation of the United Nations and a stronger rules-based order – this should be the agenda of the G7 under the German presidency in 2022 and an agenda it takes to the G20. This must include a strong rules-based order in global health and a fierce rejection of all attempts to delegitimise the United Nations. It must include though a reform of the UN Security Council to reflect the power shift.

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73. [www.euro.who.int. 2022. Ukraine: 28 days of war, 64 verified attacks on health care, and 18 million people affected.](https://www.euro.who.int/en/media-centre/sections/press-releases/2022/ukraine-28-days-of-war,-64-verified-attacks-on-health-care,-and-18-million-people-affected) (<https://www.euro.who.int/en/media-centre/sections/press-releases/2022/ukraine-28-days-of-war,-64-verified-attacks-on-health-care,-and-18-million-people-affected>).

74. [www.un.org. 2022. Security Council Fails to Adopt Text Demanding Civilian Protection, Unhindered Humanitarian Access in Ukraine, as 13 Members Abstain.](https://www.un.org/press/en/2022/sc14838.doc.htm) (<https://www.un.org/press/en/2022/sc14838.doc.htm>).

75. Patel-Carstairs, Sunita. 2022. Ukraine war: Videos show apocalyptic destruction in Mariupol as Russia says it is ‘tightening its encirclement.’ (<https://news.sky.com/story/ukraine-war-videos-show-apocalyptic-destruction-in-mariupol-as-russia-says-it-is-tightening-its-encirclement-12569115>).

76. Wax, Eddy. 2022. Get ready for ‘hell,’ UN food chief warns amid Ukraine shockwaves. (<https://www.politico.eu/article/world-food-programme-eu-fund-us-food-aid-ukraine-russia/>).

77. United Nations Development Programme. 2022. New threats to human security in the Anthropocene. (<https://hdr.undp.org/sites/default/files/srhs2022.pdf>).

78. Mahbubani, Kishore. 2019. *Has the West Lost It? A Provocation*. United Kingdom: Penguin.

That is why the agenda set by Team Europe for the WHO is so critical: finance the WHO better through a significant increase in assessed contributions, strengthen the architecture for pandemic preparedness and response in close cooperation with the WHO, and bind member states by negotiating a pandemic treaty. In global health the new geopolitical role of the European Union matters significantly, and it must be ramped up even further in its support to global health and the WHO. In May 2022 at the G7 health ministers summit the EU announced that it aims to present a new global health strategy by the end of 2022. Germany has been at the forefront of these three strategic priority proposals. But – as the largest individual donor in the EU and as an economic powerhouse – it must go further. Germany and the EU must build and encourage alliances and partnerships with low- and middle-income countries, for example, by building production sites for vaccines and medicines and sharing technologies. It must also revisit some of its positions related to economic policies; just as the Ukraine war is leading to a change in energy policy so must the pandemic lead to a change in positions on agricultural policy or on patent protection. But there is an even larger issue at stake: we constantly see the cycle of panic and neglect because of the unwillingness to develop policies based on foresight and oriented towards the wellbeing of people and planet.

Global health will never be devoid of politics; it would be illusionary to think so. It is to the disadvantage of the world's health that the great cross-border challenges must be resolved by a politically and financially weak organisation which member states delegitimise and “keep poor” to suit their geopolitical or national interests. Therefore, the UN system in the 21st century and its Sustainable Development Goals (SDG) Agenda must first and foremost be put on a firm financial base.<sup>79</sup> The key reform for an inclusive global architecture is a new mechanism for financing global public goods with all countries contributing their fair share.<sup>80</sup> Only then will the multilateral system be able to address the global challenges seriously and be able to withstand undue political pressure from member states. Only then can all the expectation countries and other stakeholders take to the WHO be tackled responsibly, like the reforms proposed by the Independent Panel. The world needs to strengthen its multilateral system for health to be resilient and to be able to manage the ever more complex political environment.

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79. [www.un.org](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E). 2015. Transforming our world: the 2030 Agenda for Sustainable Development. ([https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)).

80. Soucat, Agnès, and Kickbusch, Ilona. 2020. Global Common Goods for Health: Towards a New Framework for Global Financing. *Global Policy*. (<https://doi.org/10.1111/1758-5899.12875>).

We are at an inflection point for global cooperation. The economic and social impacts of the pandemic around the world have shown us what happens when things go wrong – World Bank calculations speak of at least 150 million additional very poor people around the world.<sup>81</sup> Together with the global impacts of the Ukraine war the livelihood of millions of people around the world is threatened. Add to this climate change and environmental damage. To secure health we must also look beyond health. The Secretary General of the United Nations has described the choice for humanity as breakdown or breakthrough.<sup>82</sup> He has proposed an agenda of action to strengthen and accelerate multilateral agreements across four broad areas: renewed solidarity between peoples and future generations, a new social contract anchored in human rights, better management of critical global commons, and global public goods that deliver equitably and sustainably for all. This would be the future for an inclusive, networked, and effective multilateralism. It would make all the difference for global health and for the WHO.

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81. [www.worldbank.org](https://www.worldbank.org/en/news/press-release/2020/10/07/covid-19-to-add-as-many-as-150-million-extreme-poor-by-2021). 2020. COVID-19 to Add as Many as 150 Million Extreme Poor by 2021. (<https://www.worldbank.org/en/news/press-release/2020/10/07/covid-19-to-add-as-many-as-150-million-extreme-poor-by-2021>).

82. United Nations. 2021. Our Common Agenda – Report of the Secretary-General. ([https://www.un.org/en/content/common-agenda-report/assets/pdf/Common\\_Agenda\\_Report\\_English.pdf](https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf)).



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# Immigration, Rights and the EU in Light of the Refugee Flight from Ukraine

*Vít Novotný*

## INTRODUCTION<sup>1</sup>

At the time of writing in March 2022, it no longer appears, as it did only a month earlier, that Europe's "cosmopolitan honeymoon"<sup>2</sup> is over. The West's swift response to the Kremlin's aggression against Ukraine has immediately led to Russia "crash[ing] out of international capitalism".<sup>3</sup> In an attempt to destroy the liberal international order, Russia's President Putin has become an architect of its revitalisation as the world rallies in support of the heroic Ukrainian resistance.<sup>4</sup>

While Ukrainian and Russian soldiers and Ukrainian civilians are dying in Ukraine, hundreds of thousands of war refugees are pouring into the EU through the Polish, Slovak, Hungarian and Romanian borders. Within one day of the Russian onslaught on 24 February, the phrase "mass migration" had obtained a new meaning.

This article attempts to analyse certain aspects of Europe's immigration narratives up to the present. It argues that the EU is adjusting the interpretation of its human rights commitments in the area of immigration and asylum in response to the changing character of immigration flows. In the south and south-east where immigration flows are mixed and contain only a minority of asylum seekers, strict border controls are in place with regard to irregular immigration. In the east, facing

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1. I would like to thank Peter Hefele for his comments on a draft of this article.

2. Thym, Daniel. 2020. A Restrictionist Revolution? A Counter-Intuitive Reading of the ECtHR's N.D. & N.T.-Judgment on "Hot Expulsions". EU Migration and Asylum Law and Policy. (<https://eumigrationlawblog.eu/a-restrictionist-revolution-a-counter-intuitive-reading-of-the-ecthrs-n-d-n-t-judgment-on-hot-expulsions/>).

3. Judah, Ben. 2022. tweet. 2 March. ([https://twitter.com/b\\_judah/status/1498813921964216322](https://twitter.com/b_judah/status/1498813921964216322)).

4. Schake, Kori. 28 February 2022. Putin Accidentally Revitalized the West's Liberal Order. The Atlantic. (<https://www.theatlantic.com/international/archive/2022/02/vladimir-putin-ukraine-invasion-liberal-order/622950/>).

probably the biggest refugee wave in European history, the governments concerned are keeping their borders open to everyone fleeing the Russian aggression. The EU seems to be regaining flexibility in the application of its asylum and border management policies.

## **BORDER MANAGEMENT AND MIGRATION FLOWS**

In response to instability in its eastern and southern neighbourhoods, the EU has been applying a selective approach to border and migration management, with the character of the respective immigration flows determining the specific policy employed. The southern and south-eastern border (Spain, Greece and Bulgaria) has remained relatively heavily guarded against irregular migration right up to the present. This has also been true of the middle part of the eastern border (Poland, Lithuania and Latvia) during the Belarus border crisis since the summer of 2021. The strict border policies in these locations and situations have been adopted vis-à-vis the citizens of African and Asian countries, who in practically all cases need Schengen visas to enter the EU<sup>5</sup> and, at the same time, are not coming directly from war zones.

In the southern part of the eastern border (Poland, Slovakia, Hungary and Romania), admission has readily been granted to citizens of Ukraine, who have enjoyed visa-free access since 2017. Requirements for entry have been further relaxed since the beginning of the Russian invasion. Ukrainian citizens – including those of other nationalities, who in peacetime would require a visa to enter the EU – are now allowed to pass through in large numbers simply on production of a passport or other identification document.

It is my contention that through its approach to asylum and border management, the EU is not retreating from its commitment to human rights, as critics would have it. Instead, the bloc is adjusting its interpretation of human rights. This concerns both rhetoric and policy.

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5. SchengenVisaInfo. 2022. Who Needs and Who Doesn't Need a Schengen Visa to Travel to the EU? (<https://www.schengenvisa.info/who-needs-schengen-visa/>).

## EUROPEAN VALUES

Many European commentators and politicians like to use the term “European values”. While it is often unclear what particular speakers mean by this, Article 2 of the Treaty on European Union<sup>6</sup> provides a definition: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” It is entirely possible that were the Lisbon Treaty negotiated today, as opposed to the mid-2000s, these values would be defined in the same manner. Nevertheless, we can detect a shift in the interpretation of the concepts spelled out in Article 2.

The prevailing EU narrative on immigration changed sharply in 2015-16, when close to two million people arrived in the bloc from Turkey. These were Syrians, but also Afghans and still others, seeking refuge or a better life in Europe. Until 2015, EU institutions promoted “global salvationism”. This assumed that the EU was capable of improving the welfare of humankind by executing enlightened public policies.<sup>7</sup> When related to irregular immigration, global salvationism entailed a lax stance on border controls. Thus, the EU’s southern frontline states took a benevolent approach to illegal border crossings (the Spanish border with Morocco being an exception). Whereas irregular (or illegal) migration takes place outside the legal framework of the sending and receiving countries, regular (or legal) migration occurs within the applicable legal frameworks.

An expansive interpretation of the EU’s human rights commitments was supported, and often created, by court rulings. For example, over the decades the rulings of the European Court of Human Rights turned the prohibition of inhuman and degrading treatment found in the European Convention on Human Rights into a legal guarantee against refoulement.<sup>8</sup> The apex of this trend was a 2012 ruling of the Strasbourg court. In the *Hirsi* judgement, the court de facto made it obligatory for European governments to give access to the asylum procedure to the migrants picked up by ships on the high seas. “No other signatory of the 1951 refugee conven-

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6. Consolidated Version of the Treaty on European Union. 2007.

7. Collier, Paul and Kay, John. 2020. *Greed is Dead. Politics after Individualism*. New York: Allen Lane, 25.

8. Thym, Daniel. 2020. *A Restrictionist Revolution? A Counter-Intuitive Reading of the ECtHR’s N.D. & N.T.-Judgment on “Hot Expulsions”*. *EU Migration and Asylum Law and Policy*.

tion interprets its obligations in this way.<sup>9</sup> This applies to the US, Canada, Australia and New Zealand, among others.

Encouraged by the office of the UN High Commissioner for Refugees, the European Commission aimed at achieving the highest possible asylum standards. This was reflected in the Commission's proposals for EU directives and regulations.<sup>10</sup> The member states agreed. Nevertheless, the combination of generous law-making and generous court rulings created a system of legal obligations that many members struggled to implement. It was one thing to vote for lavish provisions in EU asylum legislation and quite another to turn these legal rights into practices on the ground.

Both the EU's perception of itself as a beacon for human rights and equality and the accompanying rhetoric were informed by Europe's bloody history of religious strife, genocide, colonialism and totalitarianism. Europeans and their leaders wanted to run away from this legacy and avoid its repetition. Representatives of the EU institutions were keen to project the image of the bloc as a peace project because it was to maintain peace that the Union first came into being. An opposition to border walls, internal and external, was part of this image of the EU.

## 2015-21

The years 2015-16 saw a change in the prevailing EU narrative. The events of these two years quickly unmasked the political unsustainability of the bloc's asylum legislation and border practices. The border and asylum crisis of this period was, at the time, the largest since the Second World War. The general perception of mayhem to which it gave rise prompted a great deal of introspection and substantive policy change. In addition, a wave of jihadist terrorist attacks had shocked Western Europe. As Krastev and Holmes pointed out, these traumas hit at the moment when European countries in eastern and southern Europe were already suffering<sup>11</sup> from the sense of demographic panic caused by low birth rates, ageing populations and emigration.

At the time the EU's policy response to the border crisis was uncoordinated. The bloc's national governments differed fundamentally in how they handled the

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9. Brady, Hugo. 2021. Openness versus Helplessness: Europe's 2015-2017 Border Crisis. Groupe d'études géopolitiques, 28 June. (<https://geopolitique.eu/en/2021/06/28/openness-versus-helplessness-europes-2015-2017-border-crisis/>).

10. Author's interview with a European Council source. 15 March 2019.

11. Krastev, Ivan and Holmes, Stephen. 2020. *The Light that Failed. A Reckoning*. New York: Penguin.

thousands of migrants who were crossing one national border after another as they travelled towards Germany and northern Europe. Acknowledging the internal rifts and the lack of direction that the Union was experiencing, European Commission President Jean-Claude Juncker used his 2016 State of the Union speech to coin the slogan “a Europe that protects”.<sup>12</sup> This was an attempt to instil a new sense of purpose in the bloc and, in a way, to give a voice to those citizens who felt “powerless and without a say”<sup>13</sup> and disoriented by immigration and the larger changes in society.

Whereas in his 2015 State of the Union speech, Juncker had implicitly criticised Hungary for building a wall on its southern border,<sup>14</sup> one year later he dropped any such criticism and exclaimed: “[W]e need to know who is crossing our borders.” His call for vigilant border controls was not his first, and it was amply clear that it was EU citizens who needed to be “protected, empowered and defended” from the dangers posed by globalisation and internal discord.

Importantly, in his 2016 speech Juncker also introduced the phrase “our European way of life”. He explained this, somewhat vaguely, as a collection of values that include the concept of the EU as a peace project, freedom, democracy, the rule of law, the free movement of workers, independent justice systems, free trade and quality jobs. “Our European way of life” also included taking responsibility for protecting our interests, including through defence. Three years later the new “pro-European civilisationalism”<sup>15</sup> was personalised by the creation of the post of a Commissioner for Promoting our European Way of Life.

A 2017 speech by Federica Mogherini, then High Representative of the Union for Foreign Affairs and Security Policy, sheds light on how official rhetoric has sometimes not kept pace with the changing EU policy on the south and south-east. In an attempt to draw a clear line between the US President Donald Trump’s “Muslim ban” and the EU policy, Mogherini stated: “[T]he European Union will not turn back

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12. Juncker, Jean-Claude. 2016. State of the Union Address 2016: Towards a better Europe - a Europe that protects, empowers and defends, 14 September. ([https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_16\\_3043](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_16_3043)).

13. Van Rompuy, Herman. 2014. Speech by President Herman Van Rompuy upon receiving the International Charlemagne Prize, Aachen, 29 May. (<https://www.consilium.europa.eu/media/25750/142974.pdf>).

14. Juncker, Jean-Claude. 2015. State of the Union 2015: Time for Honesty, Unity and Solidarity, 9 September. ([https://ec.europa.eu/info/publications/state-union-2015-european-commission-president-jean-claude-juncker\\_en](https://ec.europa.eu/info/publications/state-union-2015-european-commission-president-jean-claude-juncker_en)).

15. Kundnani, Hans. 4 February 2021. What does it mean to be “pro-European” today?, *New Statesman*. (<https://www.newstatesman.com/ideas/2021/02/what-does-it-mean-be-pro-european-today>).

anyone who has the right to international protection. . . . It would not be moral, it would not be just, it would not be legal and it would not be in our interest.”<sup>16</sup>

In saying this, Mogherini overlooked the EU-Turkey agreement, through which the EU is paying international organisations active in Turkey to look after millions of Syrian refugees and obliging the Turkish authorities to prevent these refugees from travelling on to Europe. And she also ignored the 2017 Memorandum of Understanding between the Italian and Libyan authorities,<sup>17</sup> which was then being negotiated by Italy’s Interior Minister Marco Minniti, a colleague of Mogherini’s from the Italian Socialist party. The objective of these (and other) international agreements and restrictive border policies is to prevent the EU from having to process potentially huge numbers of asylum claims. EU legislation is overly generous, and thus unsustainable, in that it requires to treat almost anyone who attempts to cross the bloc’s external border as an asylum seeker.

The Mogherini speech example shows that the recalibration of the EU narrative on immigration and border controls has not been easy. The narrative of global salvationism was never in tune with member states’ policies and in reality, the Commission was always reluctant to challenge national governments on their “tough stance on migration.”<sup>18</sup>

## Policies and court rulings

Adjusting rhetoric to the new reality is one challenge. Quite another is the overly generous legal standards that make it hard for the EU’s national governments to exercise discretion in response to crisis situations at their borders. Due to decades of legal action and jurisprudence, European asylum has added a complex legal superstructure on to the Refugee Convention. This has caused “Europe’s asylum system to become permissive in certain aspects, compared to those of other major

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16. Opening remarks by Federica Mogherini at the debate on the travel restrictions following the US President’s Executive Orders, at the European Parliament Mini-Plenary Session, 1 February 2017. ([https://eas.europa.eu/election-observation-missions/eom-timor-leste-2017/19727/opening-remarks-federica-mogherini-debate-travel-restrictions-following-us-presidents\\_pt](https://eas.europa.eu/election-observation-missions/eom-timor-leste-2017/19727/opening-remarks-federica-mogherini-debate-travel-restrictions-following-us-presidents_pt)).

17. Memorandum of Understanding on Cooperation in the Fields of Development, the Fight Against Illegal Immigration, Human Trafficking and Fuel Smuggling and on Reinforcing the Security of Borders between the State of Libya and the Italian Republic. 2017. Link in: Palm, Anja. 2 October 2017. The Italy-Libya Memorandum of Understanding: The baseline of a policy approach aimed at closing all doors to Europe? EU Migration and Asylum Law and Policy. (<https://eumigrationlawblog.eu/the-italy-libya-memorandum-of-understanding-the-baseline-of-a-policy-approach-aimed-at-closing-all-doors-to-europe/>).

18. Zaiotti, Ruben. 2011. Cultures of Border Control: Schengen and the Evolution of European Frontiers. Chicago: University of Chicago Press, 62.



democratic jurisdictions.”<sup>19</sup> This includes the EU treaties which contain a legislative ambition that goes far beyond the Refugee Convention. Rather than relying on the 1951 document, several categories of EU legal protection stem from the jurisprudence of the European Court of Human Rights as well as from laws adopted by the Council of the EU and the European Parliament.<sup>20</sup>

Juncker’s 2016 State of the Union speech heralded not only a change of narrative but also far-reaching policy changes. Spearheaded by the European Commission and the large member states, including Germany and Italy, these changes have been surprisingly swift and effective. Measured by the number of irregular arrivals detected in the EU, they have practically put an end to the border management crisis that started in 2015.<sup>21</sup>

To start with, the small and medium-sized frontline member states started erecting new walls and barriers and reinforcing the existing ones at their – and the EU’s – external borders. This was another step in bringing to an end the “inter-mural period”, a brief barricade-free period that had been in place since the abolition of the Iron Curtain in 1989.<sup>22</sup> Whereas in 2011 only Spain had fencing at its external borders, by 2021 some type of barrier had been erected at the Greek, Bulgarian, Hungarian, Lithuanian, Polish and Latvian borders. And barriers and fortifications along further stretches were being constructed.

At the time of writing, the Commission limits itself to a symbolic refusal to finance border barriers, but it does not criticise the member states that finance the construction themselves.<sup>23</sup> Europe is thus returning to its twentieth-century policies. It is recognising the wisdom of Lord Curzon of Kedleston’s observation in 1908 that “just as the protection of the home is the most vital care of the private citizen, so the integrity of her borders is the condition of existence of the State”<sup>24</sup> (although the Schengen zone is not a state but a passport-free area).

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19. Šimoňák, Vladimír and Scheu, Harald Christian. 2021. Back to Geneva: Reinterpreting Asylum in the EU, Wilfried Martens Centre for European Studies. (<https://www.martenscentre.eu/publication/back-to-geneva-reinterpreting-asylum-in-the-eu/>).

20. Ibid.

21. European Council, 2022. Infographic - Irregular arrivals to the EU (2008-2022). Data up to January 2022. (<https://www.consilium.europa.eu/en/infographics/irregular-arrivals-since-2008/>).

22. Krastev, Ivan and Holmes, Stephen. 2020. *The Light that Failed. A Reckoning*. New York: Penguin.

23. Deutsche Welle. 21 January 2022. EU Interior Ministers Balance Migrant Rights and Strong Borders. (<https://www.dw.com/en/eu-interior-ministers-balance-migrant-rights-and-strong-borders/a-60519034>).

24. Cited in Zaiotti, Ruben. 2011. *Cultures of Border Control: Schengen and the Evolution of European Frontiers*. Chicago: University of Chicago Press, 45.

The Juncker Commission (2014-19) also initiated a significant strengthening – in terms of the budget, personnel and powers – of Frontex, the EU’s border control agency. The new Frontex labels itself the EU’s “first uniformed law enforcement service.”<sup>25</sup> The agency now has its own officers and is expanding its operations into non-EU countries, including Senegal.<sup>26</sup>

The European Commission under President Ursula von der Leyen (2019-present) is proving more aware of national sensitivities about migration than was its predecessor. Under Juncker, the Commission continued insisting on mandatory quotas for the redistribution of asylum seekers, although the temporary quota mechanism that was established in 2015 expired in 2017.

The von der Leyen Commission responded swiftly to the migration blackmail orchestrated by Turkey in March 2020 when the EU faced massive migration pressure. At a press conference in the Greek border town of Kastanies, von der Leyen appealed for EU unity. She also praised the Greek government “for being [the EU’s] European ασπίδα [shield] in these times.”<sup>27</sup> The Commission responded in the same way to the migration pressure engineered by the Lukashenka regime in Belarus in 2021.

The determination not to see a repeat of the 2015 mass breach of the EU’s external borders is based on more than the opportunism of policymakers and an acquiescence to public moods. As Hugo Brady has put it, “Achieving control credentials and resilience to crisis is likely to be a better enabler of future openness than the failed policies of the past.”<sup>28</sup> Whatever the approach to irregular migration, the southern border remains open to regular migrants, tourists and commerce. Exactly the same applies to the eastern border with Belarus. Walls do not mean closed borders.<sup>29</sup>

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25. Frontex. 20 May 2020. Frontex Selects the First Group of Future Members of its Standing Corps. (<https://frontex.europa.eu/media-centre/news/news-release/frontex-selects-the-first-group-of-future-members-of-its-standing-corps-wN1BM4>).

26. Monroy, Matthias. 16 February 2022. Status agreement with Senegal: Frontex might operate in Africa for the first time. (<https://digit.site36.net/2022/02/11/status-agreement-with-senegal-frontex-wants-to-operate-in-africa-for-the-first-time/?unapproved=1150&moderation-hash=a0e9d5db5ff90d7aeb5ec00fca4c77c5#comment-1150>).

27. Remarks by President von der Leyen at the joint press conference with Kyriakos Mitsotakis, Prime Minister of Greece, Andrej Plenković, Prime Minister of Croatia, President Sassoli and President Michel. 2020. European Commission, 3 March. ([https://ec.europa.eu/commission/presscorner/detail/en/statement\\_20\\_380](https://ec.europa.eu/commission/presscorner/detail/en/statement_20_380)).

28. Brady, Hugo. 15 December 2021. Europe’s Sharper Edges: EU Migration Policy after Lukashenko, International Centre for Migration Policy Development. (<https://www.icmpd.org/blog/2021/europe-s-sharper-edges-eu-migration-policy-after-lukashenko>).

29. Ibid.

In a development that is more important than legislative proposals, fences and the EU's border agency, the European Commission under both Juncker and von der Leyen has taken the lead, or at least lent the members a helping hand, in negotiating deals with non-EU governments to prevent irregular migration flows. This has been in exchange for various sorts of EU financial assistance for refugees and migrants who reside in those countries' territories or use these territories for transit. These deals include the ones concluded with Turkey, Libya, Morocco and Egypt. The Emergency Trust Fund for Africa is financing border management projects and campaigns to dissuade people from undertaking dangerous northward journeys across the Mediterranean.<sup>30</sup>

All these policy changes appear to conform to the European values as defined by the Treaty on European Union. The EU's objective in introducing these policies has been not to compromise on these principles but to emphasise that the bloc's political systems can guarantee these principles' application only to a limited group of people – those who legally reside in the EU. Legal and judicial interpretations that claim that the EU and national laws equally apply to people who reside outside the EU, or that residents of non-EU countries should have automatic access to the rights derived from the said values, run into the problems of democratic legitimacy.

## 2022

The bloc seems to have undergone a sort of conversion: from the conceit of seeing itself as a peace project with a global outreach to the more sober view that the Union is an undertaking that is merely regional, or even parochial.<sup>31</sup> This transition can be situated between roughly the autumn of 2015 (the moment when the failure of the EU's relatively lenient policy on irregular migration became apparent) and the Russian invasion of Ukraine in February 2022.

The shock of the invasion and the pro-European, pro-West and pro-democracy ethos of the Ukrainian citizens and soldiers powerfully reminded the EU of just how attractive the Union is. This awakening has been reinforced by the ease with which the EU's eastern frontline states have kept their borders open to millions of war

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30. Lucht, Hans and Vammen, Ida. 2022. Interview [with Kiya Gezahegne]: How the EU is Shaping Migration policy in Ethiopia, 10 February, Danish Institute for International Studies. (<https://www.diiis.dk/en/node/25471>).

31. Novotný, Vít. 2021. A Brussels-Based Dictatorship or a Paradise of Subsidiarity? National Prerogatives and EU Migration Policy, Wilfried Martens Centre for European Studies. (<https://www.martenscentre.eu/publication/a-brussels-based-dictatorship-or-a-paradise-of-subsidiarity-national-prerogatives-and-eu-migration-policy/>).

refugees, and the overwhelming, grassroots generosity with which they have been welcomed in Poland and elsewhere on the EU's eastern flank.

Thus, following the Russian assault on Ukraine, we may see the emergence of a new self-understanding on the part of the EU. As regards irregular immigration from the south and south-east, strict border controls will continue. Popular sentiment, justified or not, continues militating against regarding as an asylum seeker everyone who attempts to cross the bloc's external border irregularly. This is due to the ambiguous nature of these migration flows: only a minority of the incoming individuals are fleeing from persecution; the majority are simply seeking a better life in the EU. Even Afghanis and Syrians, who have an undeniable need for international protection, are seen as having had the opportunity to seek refuge in a country closer to their own. Thus, in the south and south-east, the EU is likely to continue externalising migration controls by "shifting borders" away from the EU's borders and, wherever possible, European courts and reporters.

In contrast, the member states bordering on Ukraine are likely to keep their borders open not only to Ukrainians but to all other war refugees from the country. Contrary to how it views the migrations from the south and south-east, the European public appears to see the inflow from the east as fully and immediately justified by the atrocities perpetrated by the Putin regime and the prospect of more violence to come.

## GETTING THE EU STORY STRAIGHT

International organisations<sup>32</sup> and NGOs have on occasion made appeals aimed at crushing the wave of nativism by creating a "new narrative" on migration, one they have hoped journalists would promote. But these groups miss the point. While people's perceptions are indeed often influenced by the newspapers' portrayal of different migrant groups, the influence of the media should not be overestimated "as people's reaction to news depends more on pre-existing values and political persuasion than the content and framing of the reporting."<sup>33</sup>

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32. Office of the United Nations Commissioner on Human Rights. 2020. #StandUp4Migrants: Changing the Narrative on Migration. (<https://www2.ohchr.org/english/OHCHRreport2020/standup4migrants-changing-the-narrative-on-migration.html>).

33. Noack, Marion et al. 2020. Establishing a Credible Narrative on Migration and Migration Policy. International Centre for Migration Policy Development. (<https://www.icmpd.org/file/download/51474/file/Policy%2520Paper%2520-%2520Establishing%2520a%2520Credible%2520Narrative.pdf>).

The existing data points to a gap between what citizens expect of EU and national migration policies and what these policies deliver.<sup>34</sup> In the second half of the 2010s, Eurobarometer consistently reported that vast majorities of EU citizens required both the EU and national governments to take more measures against irregular migration.<sup>35</sup> A democratic polity cannot ignore such sentiments – unless it wishes to succumb to an authoritarian populist backlash. Europe needs to learn how to control irregular migration without xenophobia, truth decay and the destruction of our constitutional democracies.

The positions of French President Emanuel Macron, a progressive liberal, serve as a model of sorts here.<sup>36</sup> Responding to both terrorist attacks on French soil and societal concerns about immigration, Macron has consistently underlined Europe's need to strengthen its ability to control who moves in and out of the bloc. At the beginning of March 2022, the same Macron welcomed war refugees from Ukraine. And like the other EU members, France has relaxed the visa requirements that would normally have come into effect after the 90-day visa-free period.<sup>37</sup>

It is becoming clear that the EU needs, more than anything, flexibility, pragmatism and responsiveness to crises in applying its asylum and immigration legislation. EU legislation and the rulings of European courts have decreased room for policy flexibility.<sup>38</sup>

In addition, the overly generous EU standards tend to divide the member states. Although these standards are legally binding, in reality national cultures differ on how far one is obliged to go in providing legal and material protection for asylum seekers. An unfortunate trait of unworkable legal standards is that they get ignored or poorly implemented.

However, lowering the standards *per se* is not the main point. The EU's legislative framework should allow discretion to European governments on who to let

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34. Ibid.

35. Glorius, Birgit. 2018. Public opinion on immigration and refugees and patterns of politicisation. Evidence from the Eurobarometer. Caseval Working Papers, 3/2018. ([https://www.cidob.org/en/publications/publication\\_series/project\\_papers/ceaseval/public\\_opinion\\_on\\_immigration\\_and\\_refugees\\_and\\_patterns\\_of\\_politicisation](https://www.cidob.org/en/publications/publication_series/project_papers/ceaseval/public_opinion_on_immigration_and_refugees_and_patterns_of_politicisation)).

36. Rose, Michel and Hummel, Tassilo. 9 December 2021. Macron Calls for EU Emergency Response System to Control Borders, Reuters. (<https://www.reuters.com/world/europe/frances-macron-says-migration-crises-show-need-strength-eu-external-borders-2021-12-09/>).

37. SchengenVisaInfo. 3 March 2022. France Welcomes Refugees From Ukraine, Facilitates Travel Rules for Them. (<https://www.schengenvisa.info.com/news/france-welcomes-refugees-from-ukraine-facilitates-travel-rules-for-them/>).

38. Cf. Collier, Paul and Kay, John. 2020. Greed is Dead. Politics after Individualism. New York: Allen Lane, 115.

into their territories. Rather than arbitrariness, this is about responsiveness and democratic accountability.

On 3 March 2022, European governments unanimously agreed on a revolutionary step in the EU's migration policy: The Justice and Home Affairs Council of the EU triggered the Temporary Protection Directive in response to mass refugee flight from Ukraine following the Russian assault.<sup>39</sup> Although adopted in 2001, the directive had never been put into effect before. Its activation means that both Ukrainians and, based on national decision, third-country nationals arriving from Ukraine receive a legal status to remain in the host country, freedom of movement across the EU and a battery of material rights.

The bold experiment of applying temporary protection to an unlimited number of Ukrainians fleeing the Russian invasion demonstrates that the EU is capable of accepting extremely large numbers of refugees in a short time span and that it has legal tools to handle such an influx. In contrast to the US that, until recently, accepted both legal and illegal immigration with relative ease, the EU appears to continuously err on the side of legality. Further legal immigration pathways are likely to open once illegal immigration is under even more control than it is today.

It is almost certain that triggering temporary protection is going to alter the way the EU approaches international protection in the future. With war paradoxically reviving the global attractiveness of Western liberal democracy and human rights, the EU needs to be aware of the dangers of ignoring public sentiment on irregular migration.

It appears that the inflow of war refugees from Ukraine will alter the EU's immigration and asylum policy as well as the overall narrative on immigration, although it is far from clear what direction the EU's debate will take. The implications of the war will continue to be assessed in the coming months and years as the bloc revisits the unsettled question of asylum reform.

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39. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

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# AUKUS: Great Power Games in the Indo-Pacific

*Stormy-Annika Mildner and Lennart Nientit*

## INTRODUCTION\*

Due to its steadily growing strategic as well as geopolitical and geo-economic weight, the Indo-Pacific region is gaining in importance in the foreign policy-making of many Western countries including the United States, the European Union (EU), and many of its member states. The United Kingdom declared the Indo-Pacific region a “centre of intensifying geopolitical competition” in its Integrated Review of Security, Defence and Foreign Policy of March 2021<sup>1</sup>, and the United States adopted its Indo-Pacific Strategy in February 2022. The EU presented its long-awaited “EU Strategy for Cooperation in the Indo-Pacific” on 16 September 2021. However, the announcement of the EU strategy was overshadowed by another event. One day earlier, the United States, the United Kingdom, and Australia surprisingly announced a strengthened trilateral security partnership in the Indo-Pacific at a joint virtual press conference. Under the name AUKUS, this new security alliance is intended to help “sustain peace and stability in the Indo-Pacific” and “promote deeper information and technology sharing” between the nations.<sup>2</sup>

The announcement of the AUKUS alliance received considerable international attention. At the centre of the debates stood the intent of the United States and the United Kingdom to support Australia in the procurement of nuclear-powered submarines. Other parts of the new security alliance, such as the planned cooperation

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\* This article is from May 2022.

1. Cabinet Office. 16 March 2021. Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy, HM Government. (<https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy>). Accessed 5 March 2022.

2. The White House. 2021. Joint Leaders Statement on AUKUS. The White House, 15 September 2021. (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/15/joint-leaders-statement-on-aukus/>). Accessed 10 March 2022.

in areas like cyber-security, artificial intelligence, and quantum technologies, received less attention. Although none of the nations involved has specifically mentioned the People's Republic of China in this context, most experts interpret AUKUS as an attempt to counter Beijing's expansionist foreign policy. Some countries in the region hope that AUKUS can contribute to reducing the military imbalance vis-à-vis China. Others, however, point to the danger of increasing militarisation or even an arms race in the Indo-Pacific.

In France, the new alliance was perceived as an affront.<sup>3</sup> Not only did the country suffer considerable financial losses from the AUKUS submarine deal, Paris, which sees itself as an important player in the region because of its numerous Pacific territories, felt unduly left out. Germany demonstratively backed its closest ally France, with the former German foreign minister calling the decision "irritating and disappointing, not just for France".<sup>4</sup> The High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, spoke about AUKUS being a "wake up call" for the EU.<sup>5</sup> However, the EU's criticism was mainly directed at the way the new alliance was created and announced, rather than at its strategic implications.

This paper maps the security risks and alliances in the region, and examines how governments reacted to the announcement of AUKUS and to what extent the new alliance will influence the security architecture in the Indo-Pacific. Finally, this paper analyses possible future developments.

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3. Louisa Brooke-Holland, John Curtis, and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

4. Elie Perot. 27 September 2021. The AUKUS Agreement, What Repercussions for the European Union? Fondation Robert Schuman. (<https://www.robert-schuman.eu/en/european-issues/0608-the-aucus-agreement-what-repercussions-for-the-european-union>) Accessed 23 March 2022.

5. Deutsche Welle. 16 September 2021. EU Unveils Indo-Pacific Strategy in Response to US-led Pact. Deutsche Welle Online. (<https://www.dw.com/en/eu-unveils-indo-pacific-strategy-in-response-to-us-led-pact/a-59203426>). Accessed 19 March 2022.

# GLOBAL POWER PLAY IN THE INDO-PACIFIC REGION: AN OVERVIEW

## Why the Term “Indo-Pacific”?

Almost 40 per cent of the world’s gross domestic product (GDP)<sup>6</sup> and roughly half the world’s trade take place in the Indo-Pacific region.<sup>7</sup> It is a region with huge potential, being home to some of the fastest-growing economies in the world. At the same time, it faces a multitude of challenges, ranging from security, to social, environmental, and to economic, all of which have far-reaching and global consequences.<sup>8</sup> One of these challenges are the many and increasingly severe territorial and maritime disputes, particularly in the East and South China Seas.<sup>9</sup>

In the past, the region was mostly discussed as “Asia-Pacific”, but this term has increasingly been replaced by “Indo-Pacific” in recent years. It symbolises a new era characterised by geopolitical and geo-economic developments linked to the rise of China. According to Patrick Köllner, Director of the GIGA Institute for Asian Studies, the Indo-Pacific region does not necessarily represent a coherent world region, but is rather a new, deliberately conceived, strategic space in which China and the United States, as well as other regional and supra-regional actors, compete for power and influence. The Indian component was purposely added, as the inclusion takes into account the country’s increased geopolitical weight and recognises it as a strategically important actor.<sup>10</sup> The term also brings into focus the importance of the Indian Ocean for global maritime trade routes and its increased connectivity with the Pacific.

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6. German Federal Foreign Office. The Indo-Pacific Region. (<https://www.auswaertiges-amt.de/en/aussenpolitik/regionaleschwerpunkte/asien/indo-pacific/2493040>). Accessed 22 February 2022; CSIS. 2 August 2017. How Much Trade Transits the South China Sea? China Power Project. Updated 25 January 2021. (<https://chinapower.csis.org/much-trade-transits-south-china-sea/>). Accessed 22 February 2022.

7. Matthew P. Goodman and William Reinsch. 26 January 2022. Filling in the Indo-Pacific Economic Framework. CSIS. (<https://www.csis.org/analysis/filling-indo-pacific-economic-framework>). Accessed 1 March 2022.

8. Konrad Adenauer Stiftung. Panorama, Insights into Asian and European Affairs, European Strategic Approaches to the Indo-Pacific, 01/2001, pp. 5, 7-23. (<https://www.kas.de/documents/288143/16920728/Panorama+European+Strategic+Approaches+to+the+Indo-Pacific.pdf/e7b7d256-61ec-d864-191a-7cd63342cee4?version=1.0&t=1644999183217>).

9. Daniel Russel. 2021. Maritime Security in the Indo-Pacific and the UN Convention on the Law of the Sea, Testimony to the U.S. House Foreign Affairs Committee, 29 April 2021. (<https://asiasociety.org/policy-institute/maritime-security-indo-pacific-and-un-convention-law-sea>). Accessed 1 March 2022.

10. Patrick Köllner. 2021. GIGA: Beyond 'Indo-Pacific': Understanding Small Pacific Powers on Their Own Terms. GIGA Focus Asia, Number 5, 2021. ([https://pure.giga-hamburg.de/ws/files/28664150/web\\_Asien\\_2021\\_05\\_en.pdf](https://pure.giga-hamburg.de/ws/files/28664150/web_Asien_2021_05_en.pdf)). Accessed 1 March 2022.

## A New Focus on the Indo-Pacific: The United States, the United Kingdom, and Australia

Both the United Kingdom and the United States have been reorienting their foreign policy towards the Indo-Pacific in recent years. For the United States, its “pivot to Asia” started back in the early 2010s under President Obama’s administration. The primary goal of the United States’ increased engagement in the region is to contain the growing influence of China by modernising its existing alliances and deepening its relationships with other partners in the region.<sup>11</sup>

The United Kingdom initiated its re-orientation towards the Indo-Pacific region more recently, in the post-Brexit period. By adopting the strategic slogan of “Global Britain”, London aims to position itself as a leaning power for smaller Asian countries critical towards China’s expansionist foreign policy and thereby to strengthen the British position in the region.<sup>12</sup>

Australia’s longstanding and deep bilateral relationships with the United States and the United Kingdom have made it a logical choice as a hub for enhanced American and British engagement in the Indo-Pacific. Australian Prime Minister Scott Morrison said the new partnership would help “protect shared values and promote security and prosperity in the Indo-Pacific region”.<sup>13</sup>

## Powder Keg Indo-Pacific: China’s Expansionist Approach in the South and East China Seas

While territorial disputes are nothing new in the region, they hold considerable risk for escalation, particularly in the South and East China Seas. There are thousands of small islands and reefs in the South China Sea. While the majority are not permanently populated, they hold strategic importance (including access to fishing, oil, and gas resources) and are the object of several territorial disputes.

In the East China Sea, the question of Taiwanese sovereignty and Chinese claims on the Japanese-administered Senkaku Islands are dominating the security

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11. The White House. 2022. FACT SHEET: Indo-Pacific Strategy of the United States. The White House, 11 February 2022. (<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/11/fact-sheet-indo-pacific-strategy-of-the-united-states/>). Accessed 22 February 2022.

12. Wissenschaftliche Dienste des Deutschen Bundestages, Großbritannien und der BREXIT Verteidigungs- und außenpolitische Implikationen, 23 January 2019. (<https://www.bundestag.de/resource/blob/630132/9f0efd8ba7bfdfc92ca1600e8c4d3d4/WD-2-185-18-pdf-data.pdf>). Accessed 24 February 2022.

13. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

situation. Beijing is striving for a “reunification” of Taiwan with the mainland and does not hesitate to use military threats. Regularly, aircrafts of the People’s Liberation Army violate Taiwan’s airspace, and ships of the Chinese coast guard penetrate the territorial waters around the island. The People’s Republic is also taking similar action with regard to the Japanese Senkaku Islands.<sup>14</sup> Observers speak of a new quality of Chinese activities in the disputed area and of significantly worsened relations between Beijing and Tokyo.

## Maritime Security and Strategic Straits

Most of the world’s major shipping lanes are located in the Indo-Pacific. The region accounts for about 60 per cent of the world’s maritime trade, a third of which passes through the South China Sea. In addition, the region is home to some of the busiest seaports in the world. Its waters are particularly critical for the economic security of China, Taiwan, Japan, and South Korea.<sup>15</sup> According to data by CSIS ChinaPower Project, over 64 per cent of China’s maritime trade transited the South China Sea in 2016 (39.5 per cent of total trade in goods), which underlines its economic and security importance to Beijing.<sup>16</sup> But it is also of great importance to the AUKUS countries and the EU as its waters connect the economies of Europe and North America with those of Asia.

One of the most important sea lanes in the region is the Strait of Malacca. Being the main shipping channel between the Indian and the South China Sea and, by extension, the Pacific Ocean (and the shortest route), it is not only one of the most important shipping lanes in the world. It is also one of the key nodes of the container shipment network<sup>17</sup> and a primary global maritime chokepoint. Several countries, such as China and Japan, rely heavily on oil that passes through the Strait. Overall, approximately a quarter of all oil transported by sea passes through the

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14. The Japan Times. 5 June 2021. Chinese ships sail near Senkakus for record 112 straight days. The Japan Times. (<https://www.japantimes.co.jp/news/2021/06/05/national/china-senkakus-record-2/>). Accessed 27 February 2022.

15. CSIS. 2017. How Much Trade Transits the South China Sea? China Power Project, 2 August 2017. Updated 25 January 2021. (<https://chinapower.csis.org/much-trade-transits-south-china-sea/>). Accessed 22 February 2022.

16. How Much Trade Transits the South China Sea? CSIS ChinaPower Project. (<https://chinapower.csis.org/much-trade-transits-south-china-sea/>). Accessed 8 March 2022.

17. UNCTAD. 2017. Review of Maritime Transport, 2017. Geneva. ([https://unctad.org/system/files/official-document/rmt2017\\_en.pdf](https://unctad.org/system/files/official-document/rmt2017_en.pdf)). Accessed 8 March 2022.

Strait.<sup>18</sup> George Lauriat of the American Journal of Transportation warned in 2021, that accidental or deliberate incidents would have a calamitous impact on global supply chains as approximately 24,000 plus container ships transit the Strait each year. While there are alternative routes in case of a disruption, these would add considerable time and costs (Sunda Strait, Lombok Strait).<sup>19</sup> Passage through the Sunda Strait, for example, would take 1.5 days longer; passage through the Lombok Strait would require an additional three days.<sup>20</sup>

Another important shipping route is the Taiwan Strait. The Strait connects the South China Sea and the East China Sea. Taiwan is the most sensitive issue in the US-China relationship. Thus, the Taiwan Strait is not only of economic importance but also of strategic and security relevance to the two superpowers. Repeated incidents underline its sensitivity to the United States and China.

In response to rising tensions, Western nations, including the United States, Germany, Great Britain, France, the Netherlands, and Canada, have increasingly deployed naval vessels in the region. Western ships regularly transit the Taiwan Strait or conduct freedom of navigation operations in disputed areas of the South China Sea. In most cases, these are US Navy ships.

## EXISTING SECURITY AND ECONOMIC ALLIANCES IN THE INDO-PACIFIC REGION

### US-led Alliances in the Indo-Pacific

The United States maintains formal bilateral defence alliances with Australia, the Philippines, Thailand, Japan, and South Korea. These are of high strategic importance in the respective capitals and are mostly seen as pillars of peace and stability in the region. The deepest bilateral alliances have been cultivated by the United States with Japan and South Korea since the 1950s.<sup>21</sup> There, the United States

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18. Malacca Straits. Dryad Global. (<https://dg.dryadglobal.com/south-east-asia-straits-of-malacca>). Accessed 8 March 2022.

19. George Lauriat. 2021. The Strait of Malacca and the Indo-Pacific Region: Between Regionalization and Maritime Trade. ISPI Commentary, 27 October 2021. (<https://www.ispionline.it/en/publicazione/strait-malacca-and-indo-pacific-region-between-regionalization-and-maritime-trade-32052>). Accessed 8 March 2022.

20. Malacca Straits. Dryad Global. (<https://dg.dryadglobal.com/south-east-asia-straits-of-malacca>). Accessed 8 March 2022.

21. Marco Overhaus and Alexandra Sakaki. 2021. Die US-Bündnisse mit Japan und Südkorea, Stärken und Bruchlinien in der sicherheitspolitischen Kooperation. SWP-Studie 2021/S 05, 10 May 2021. (<https://www.swp-berlin.org/10.18449/2021S05/#hd-d43256e299>). Accessed 24 February 2022.

maintains several military bases on which about 83,500 members of the US armed forces were stationed in 2020.<sup>22</sup> In its “Indo-Pacific Strategy”, the United States has determined that it intends to further strengthen and deepen these five regional alliances in the future.<sup>23</sup>

In addition, eight nations in the region enjoy the status of “Major Non-NATO Ally”, namely Australia, Japan, South Korea, New Zealand, the Philippines, Thailand, Taiwan, and Pakistan. While this status does not amount to a military alliance, it does indicate that the countries concerned maintain particularly close diplomatic and strategic relations with the United States. Washington provides military and financial assistance and can decide on exemptions from national arms export restrictions.

The US “Indo-Pacific Strategy” states that the United States wants to strengthen its cooperation in multilateral formats in the region. This includes, for example, intelligence cooperation within the framework of the so-called “Five Eyes” – intelligence information is exchanged between Australia, Canada, New Zealand, the United States, and the United Kingdom. Over its more than 70-year history, the formerly secretive alliance of the five countries has built a surveillance infrastructure with worldwide scope. Today, the alliance represents one of the most complex and extensive espionage networks in existence.<sup>24</sup>

The Quadrilateral Security Dialogue, or Quad, in which Japan, Australia, the United States, and India coordinate their security activities in the region, is also to be strengthened.<sup>25</sup> The member countries of this group regularly conduct joint military exercises and want to cooperate on other topics in the future, like 5G telecommunications technology, cyber-security, and the production and distribution of COVID-19 vaccines. However, the group is not a classic military alliance, as there

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22. John A. Tirpak. 17 March 2021. US Pays Most of Shared Defense Costs with Japan, South Korea. Air Force Magazine. (<https://www.airforcemag.com/u-s-pays-most-of-shared-defense-costs-with-japan-south-korea/>). Accessed 18 March 2022.

23. The White House. 2022. FACT SHEET: Indo-Pacific Strategy of the United States. The White House, 11 February 2022. (<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/11/fact-sheet-indo-pacific-strategy-of-the-united-states/>). Accessed 22 February 2022.

24. Vitor Tossini. 14 April 2020. The Five Eyes - The Intelligence Alliance of the Anglosphere. UK Defence Journal. (<https://ukdefencejournal.org.uk/the-five-eyes-the-intelligence-alliance-of-the-anglosphere/>). Accessed 23 February 2022.

25. The White House. 2022. FACT SHEET: Indo-Pacific Strategy of the United States. The White House, 11 February 2022. (<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/11/fact-sheet-indo-pacific-strategy-of-the-united-states/>) Accessed 22 February 2022.

is no formal pact between the members.<sup>26</sup> Rather, it is a loose strategic partnership based on the security challenges (mostly posed by China) in the Indo-Pacific region.

## **Trade Agreements and China's Belt and Road Initiative in the Region**

The Indo-Pacific is not only important from a security point of view but also of great economic relevance as the global economic balance is increasingly shifting towards the region. The aim of ensuring market access has led to a growing number of trade agreements within and with the region. These are not only about market access but also about setting governance standards, rules, and norms and are thus not only important economic but also foreign policy instruments.

In mid-November 2020, 15 Asia-Pacific countries signed the Regional Comprehensive Economic Partnership (RCEP). The parties to the agreement include the ASEAN states (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam) as well as Australia, China, Japan, New Zealand, and South Korea. While the agreement is modest regarding new trade liberalisation and standard setting, it is the first free trade agreement (FTA) between China, Japan, and South Korea and will significantly advance regional economic integration. It also further expands China's political sphere of influence. The agreement was a political win for Beijing and a wake-up call for the United States and the EU, which are threatened with losing out in the Asia-Pacific region.

With RCEP now being ratified, China has FTAs with 16 countries in the region. The EU recognises the importance of the region and has FTAs with several Asian countries. FTAs with South Korea, Singapore, Japan, and Vietnam are already fully in force (pending ratification are the investment agreements with Singapore and Vietnam). The EU is also currently negotiating FTAs with Australia, Indonesia, New Zealand, and the Philippines. The investment agreement with China, which was announced to be concluded by the European Commission in late 2020, is currently off the table due to Chinese human rights violations.

The United States is in a weaker position. It has signed FTAs with Singapore, Australia, as well as South Korea, and a partial trade deal with Japan. The United States was also among the signatories to the Trans-Pacific Partnership (TPP). However, under US President Trump, the United States withdrew from the

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26. Anthony Kuhn. 23 September 2021. 5 Things To Know about Biden's Quad Summit With Leaders Of India, Australia And Japan. Npr Online. (<https://www.npr.org/2021/09/23/1039698202/quad-summit-biden-india-australia-japan-white-house?t=1647607535381>). Accessed 10 March 2022.



agreement immediately after he took office in 2017. With TPP, the United States could have significantly expanded its influence in the region. Obama's Trade Representative Mike Froman described the US withdrawal as a major strategic mistake.<sup>27</sup>

Apart from FTAs, China also aims to expand its influence in the region with its Belt and Road Initiative (BRI). Launched in late 2013, its aim is to connect Asia with Africa and Europe via land and maritime networks and thus to improve regional cooperation and economic growth. The BRI comes with a large investment programme for infrastructure development for ports, roads, railways, and airports. A study by the Kiel Institute for the World Economy came to the conclusion that China has been granting massive loans to developing countries since the 2000s. These contracts lead to high dependencies, according to the authors of the study.<sup>28</sup>

The BRI infrastructure projects dwarf the investment programmes of the AUKUS states, Japan, and the EU, which have expanded investment in the region to counter-balance China's expansion of influence. Under the chairmanship of the United Kingdom in 2021, the G7 agreed on a connectivity strategy under the title Build Back Better World (B3W). Together with other like-minded countries, the G7 aim to align development finance instruments with a range of challenges faced by developing countries, including resilient infrastructure and technology in four focus areas: climate, health and health security, digital technology, and gender equality and equity.<sup>29</sup>

## AUKUS: AIMS AND AMBITIONS

### Background

On 15 September 2021, the heads of government of the United States, the United Kingdom, and Australia announced the formation of the new military alliance AUKUS. The announcement led to mixed reactions not only among the Indo-Pacific

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27. Connor Cislo and Maiko Takahashi. 5 November 2017. Leaving TPP Was 'Strategic Blunder,' Says Former U.S. Trade Rep. Bloomberg/Quint. (<https://www.bloombergquint.com/global-economics/leaving-tpp-was-strategic-blunder-says-former-u-s-trade-rep>). Accessed 8 March 2022.

28. Anna Gelpert, Sebastian Horn, Scott Morris, Brad Parks, and Christoph Trebesch. March 2021. How China Lends: A Rare Look into 100 Debt Contracts with Foreign Government. ([https://www.ifw-kiel.de/fileadmin/Dateiverwaltung/IfW-Publications/-ifw/Journal\\_Article/2021/How\\_China\\_Lends.pdf](https://www.ifw-kiel.de/fileadmin/Dateiverwaltung/IfW-Publications/-ifw/Journal_Article/2021/How_China_Lends.pdf)). Accessed 8 March 2022.

29. G7. Carbis Bay G7 Summit Communiqué. Our Shared Agenda for Global Action to Build Back Better. (<https://www.consilium.europa.eu/media/50361/carbis-bay-g7-summit-communicue.pdf>). Accessed 8 March 2022.

littoral states, but also among European allies. France, in particular, reacted angrily to the plan to support the country in the procurement of nuclear-powered submarines, as at the time of the announcement Australia had already committed to the purchase of twelve regular diesel-powered Attack-class submarines from the French Naval Group. Australia argued that the submarine change highlights the seismic shift in its security environment since the submarine contract with France was signed in 2016 and that the country must now have access to the most capable submarine technology. Furthermore, Australia was already concerned about the rising costs and delays of the Attack-class submarines.<sup>30</sup>

## Content of the AUKUS Alliance

### *Nuclear Submarines for Australia*

With the creation of the alliance, the three countries intend to improve their co-operation in three specific areas. First, the United States and the United Kingdom will assist Australia in the development and deployment of nuclear-powered submarines. The initial exploratory phase for this part of the agreement is to last 18 months and, under the leadership of the Australian Department of Defence<sup>31</sup>, “seek an optimal pathway to deliver this capability”.<sup>32</sup> In total, Australia wants to purchase at least eight nuclear-powered submarines, although no final agreement has yet been reached on the type of submarine to be acquired. The United Kingdom is currently planning to replace its nuclear-powered submarine fleet from the Vanguard class to the Dreadnought class. However, the first submarine of this class is not expected to enter service until 2030 and is not seen as a possible option for Australia. More realistic for the programme is a development on an existing design for next-generation attack submarines, such as the US Virginia class or the UK Astute class. However, although the stated aim is to equip Australia with the new submarines as soon as possible, the British government does not expect them to enter service

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30. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

31. Claire Galliford and Lieutenant Sarah Rohweder. 2021. Navy Enters New Era. Australian Government Department of Defence, 17 September 2021. (<https://news.defence.gov.au/capability/navy-enters-new-era>). Accessed 5 March 2022.

32. The White House. 2021. Joint Leaders Statement on AUKUS. The White House, 15 September 2021. (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/15/joint-leaders-statement-on-aukus/>). Accessed 10 March 2022.

before the late 2030s.<sup>33</sup> This means that Australia has had to extend the use of its current Collins class submarines far beyond their actual service life of 2026.<sup>34</sup>

Moreover, it is important to consider that this cooperation is a novelty in US foreign and security policy. Traditionally, the top-secret technology for nuclear submarines has only been shared with the United Kingdom. In November 2021, Australia, the United States, and the United Kingdom signed the Exchange of Naval Nuclear Propulsion Information Agreement (ENNPIA), which allows and regulates the sharing of information by the United States and the United Kingdom and its use by Australia.<sup>35</sup>

### *Technological Cooperation*

The second objective of the Alliance is to “enhance [...] joint capabilities and interoperability”. It is likely that the main initial focus will be on technology exchange in the area of the submarine project, because in addition to nuclear propulsion technology, access to other advanced submarine technologies is also critical for Australia. These include state-of-the-art sensors and data processing systems for maritime reconnaissance and the detection and evasion of enemy forces.<sup>36</sup> Other important aspects include information sharing in key technological areas such as artificial intelligence, cyber and quantum systems, other underwater systems, and long-range weapons.<sup>37</sup>

At this stage, this represents the least specific part of AUKUS, as there are no published plans or specifications for its implementation. However, it seems likely that the countries will try to cooperate in platform sharing and dual-use technology development to reduce innovation costs in the future. Shortly after the announcement of the AUKUS alliance, the United States and Australia signed a classified

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33. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

34. Jack Detsch. 6 October 2022. Turnbull: AUKUS Subs Deal Is an ‘Own Goal’. Foreign Policy. (<https://foreignpolicy.com/2021/10/06/aukus-us-uk-australia-biden-morrison-turnbull-submarines/>). Accessed 26 February 2022.

35. Australian Government Department of Defence. 2021. Australia Signs Exchange of Naval Nuclear Propulsion Information Sharing Agreement, 22 November 2021. (<https://www.minister.defence.gov.au/minister/peter-dutton/media-releases/australia-signs-exchange-naval-nuclear-propulsion-information>). Accessed 26 February 2022.

36. Arzan Tarapore. 29 September 2021. AUKUS Is Deeper Than Just Submarines. Stanford University. (<https://fsi.stanford.edu/news/aukus-deeper-just-submarines>). Accessed 1 March 2022.

37. Julia Masterson. February 2022. AUKUS States Sign Information Exchange Deal. Arms Control Association. (<https://www.armscontrol.org/act/2022-01/news/aukus-states-sign-information-exchange-deal>). Accessed 1 March 2022.

“Statement of Intent on Strategic Capabilities Cooperation and Implementation”, which is supposed to regulate their cooperation. However, the exact content of the statement has not been made public.<sup>38</sup> It is also important to note that the exchange of technologies is a long-term commitment, and the AUKUS alliance has the potential to link the three participating countries together in the field of research and development for decades.

### *Joint Use of Military Bases*

Thirdly, the Alliance aims to increase the possibilities for the mutual use of military bases in Australia by the United States and the UK. This is closely linked to the agreed technology exchange in section two, as the main objective is also to increase the interoperability of the different forces. The new nuclear-powered submarines for Australia require appropriate on-site maintenance and port facilities, which could potentially also be used by the US Navy and the Royal Navy for their vessels.<sup>39</sup> This importance was underlined by the visit of a British Astute-class submarine to the Australian port city of Perth in October 2021. Australian Defence Minister Peter Dutton called the visit “a testament to the three nations’ commitment to greater cooperation on security and defence capabilities”.<sup>40</sup> Considerations of sharing maintenance and port facilities are not new, as they already played a significant role in the purchase of the new Australian Hunter-class frigates based on the British Type 26 developed by the BAE Systems.<sup>41</sup> One day after the announcement of the AUKUS alliance, the United States and Australia met at ministerial level (AUSMIN 2021) and agreed on deepened military cooperation in the areas of Air Force, Navy and Army cooperation, as well as combined logistics. Additional cooperation opportunities include an increase in the number of US troops stationed in Darwin, more joint military exercises with the United States and other regional partners,

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38. Australian Government Department of Defence. 2021. The Australia-U.S. Ministerial Consultations Joint Statement: An Unbreakable Alliance for Peace and Prosperity, 17 September 2021. (<https://www.minister.defence.gov.au/minister/peter-dutton/statements/australia-us-ministerial-consultations-joint-statement-unbreakable>). Accessed 2 March 2022.

39. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

40. Australian Government Department of Defence. 2021. UK Nuclear-powered Submarine Visit to Perth (AUS), 29 October 2021. (<https://www.minister.defence.gov.au/minister/peter-dutton/media-releases/uk-nuclear-powered-submarine-visit-perth-aus>). Accessed 2 March 2022.

41. Li Jie Sheng. 4 July 2018. Britain Will Build Australia’s Future Frigate. *The Diplomat*. (<https://thediplomat.com/2018/07/britain-will-build-australias-future-frigate/>). Accessed 4 March 2022.

and more bases and equipment storage for allies in Australia. The deployment of US Virginia-class nuclear submarines in Perth is also a likely option.<sup>42</sup>

## INTERNATIONAL REACTIONS

### France: The Offended Partner

The announcement of the AUKUS alliance caused a diplomatic *éclat* in France and had far-reaching political consequences. Paris was miffed about two specific points. First, the country suffered significant financial losses from the AUKUS submarine deal. At the time of the announcement, the French Naval Group was on the verge of finalising a deal to sell twelve Attack-class conventional diesel submarines to Australia. For the company, which is majority owned by the French state, the loss of the submarine contract, which was already signed in 2016, represented a huge financial loss – 36.2 billion US dollars.<sup>43</sup> According to Naval Group's CEO, the company will seek reimbursement from Australia for all costs already incurred and all costs related to the decommissioning of the project.<sup>44</sup> In addition, French Foreign Minister Jean-Yves Le Drian stated that as recently as 15 September 2021, the French side had been assured that the project was still on track. The financial loss and surprise announcement have led to some resentment in France about the new alliance.<sup>45</sup>

The second relevant point is France's self-perception. Due to the French overseas departments in the Indian Ocean (especially the islands of La Réunion and Mayotte) and overseas collectivities in the Pacific (New Caledonia and French Polynesia), with more than 1.6 million inhabitants and a significant number of troops stationed there, France is the most strongly represented of all European countries

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42. James Holmes. 16 September 2021. Why Nuclear Submarines For Australia Make Perfect Sense. 19FortyFive. (<https://www.19fortyfive.com/2021/09/why-nuclear-submarines-for-australia-make-perfect-sense/>). Accessed 16 March 2022.

43. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

44. Alisha Rahaman Sarkar. 23 September 2021. Aukus: French Naval Group Seeks Compensation after Australia Buys Nuclear-powered Vessels from US and UK. The Independent. (<https://www.independent.co.uk/news/world/australasia/aukus-france-submarine-australia-compensation-b1925433.html>). Accessed 26 February 2022.

45. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

in the Indo-Pacific region.<sup>46</sup> In total, France has 7,000 defence forces, 15 warships and 38 aircraft permanently deployed in the region.<sup>47</sup> In its defence strategy for the Indo-Pacific, published in 2019, France identified the submarine deal with Australia as an opportunity to initiate deeper defence cooperation with regional partners.<sup>48</sup> The country therefore sees itself as an important player in the region that has been overlooked in the AUKUS agreement by its allies in the area.

French Foreign Minister Le Drian therefore called the agreement a “stab in the back” and “unacceptable behaviour among allies and partners”.<sup>49</sup> In response, Paris withdrew its ambassadors from Canberra and Washington D.C. and only allowed them to return to their posts after direct talks between President Biden and President Macron. When asked about the French decision not to recall its ambassador to the United Kingdom, Le Drian stated that the UK’s role in the agreement was in fact “opportunistic” and referred to the country as a “fifth wheel on the wagon”. The momentum for closer cooperation between the UK and France in areas such as defence, security, and nuclear stockpile management that was present in the Lancaster House Agreements of 2010 seems to have largely evaporated. The behaviour of the UK in the AUKUS affair reinforced the current mistrust in France towards the UK.<sup>50</sup>

## Further Reactions in Europe: Irritation but No Further Action

The EU reacted with surprise to the announcement of the alliance and assured France of its full solidarity. Although the goals of the alliance coincide with the

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46. Bruce Vaughn, Derek E. Mix and Paul Belkin. 5 August 2021. The United Kingdom, France and the Indo-Pacific, Version 3, Congressional Research Service. (<https://sgp.fas.org/crs/row/IF11052.pdf>). Accessed 18 March 2022.

47. Abhijnan Rej. 13 April 2021. French Joint Commander for Asia-Pacific Outlines Paris’ Indo-Pacific Defence Plans. The Diplomat. (<https://thediplomat.com/2021/04/french-joint-commander-for-asia-pacific-outlines-paris-indo-pacific-defense-plans/>). Accessed 2 March 2022.

48. Ministère de l’Europe et des Affaires étrangères. Indopazifik: 9 Fragen zum besseren Verständnis der Strategie Frankreichs in der Region. (<https://www.diplomatie.gouv.fr/de/aussenpolitik-frankreichs/landerinformationen-erklarungen/asien-ozeanien/article/indopazifik-9-fragen-zum-besseren-verstandnis-der-strategie-frankreichs-in-der>). Accessed 3 March 2022.

49. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.

50. Karine de Vergeron. 3 November 2021. AUKUS and its Consequences for Britain’s Relationship with France and the EU. The Federal Trust. (<https://fedtrust.co.uk/aucus-and-its-consequences-for-britains-relationship-with-france-and-the-eu/>). Accessed 1 March 2022.

strategic goals of the EU, the procedure of the three participating states was criticised. European Commission President Ursula von der Leyen called on Australia to explain its approach to the submarine project,<sup>51</sup> and Josep Borrell, the EU's High Representative for Foreign Affairs and Security Policy, regretted that the EU was not informed about the agreement while stating that the impact on EU-US relations should not be "dramatised".<sup>52</sup> Within the EU, there were fears that the manner of the announcement contributed to the image of a divided and uncoordinated West. However, in the weeks that followed, the EU did not let its solidarity with France significantly affect its relations with the United States and Australia, and the inaugural meeting of the EU-US Trade and Technology Council in September 2021 was held as planned. In advance, there were concerns that the meeting might be cancelled due to pressure from France.

Germany, which traditionally regards France as its closest ally, also took a rather negative stance. The former German Minister of State for Europe, Michael Roth, spoke of "lost trust" between the partners.<sup>53</sup> The German Guidelines for the Indo-Pacific have defined the "strengthening of international cooperation structures" as a primary goal. Within the course of the German EU Presidency in 2020, relations between the EU and ASEAN and between the EU and Australia were therefore officially elevated to a strategic partnership. In addition, consultations were held on security and foreign policy topics with both Australia and Japan. The diplomatic tensions between France and the AUKUS member states are therefore in direct contradiction to the German efforts to strengthen cooperation between like-minded partners in the region.<sup>54</sup> While Germany has shown solidarity with France, it has an interest in ensuring that relations with the Indo-Pacific states, specifically Australia, do not deteriorate.

It remains to be seen whether and to what extent there is a loss of trust between the EU and the United States or the UK and how this will affect possible

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51. Agnes Szucs. 21 September 2021. Treatment of France in AUKUS deal 'not acceptable': EU chief. Anadolu Agency. (<https://www.aa.com.tr/en/europe/treatment-of-france-in-aukus-deal-not-acceptable-eu-chief-/2370497>). Accessed 26 February 2022.

52. Jorge Liboreiro. 24 September 2021. 'We were not informed': New US-Australia defence pact eclipses EU's Indo-Pacific pivot. EuroNews. (<https://www.euronews.com/my-europe/2021/09/17/we-were-not-informed-new-us-australia-defence-pact-eclipses-eu-s-indo-pacific-pivot>). Accessed 19 March 2022.

53. Philip Blenkinsop and Robin Emmott. 21 September 2021. Germany Warns of Lost Trust over AUKUS. The Canberra Times. (<https://www.canberratimes.com.au/story/7440324/germany-warns-of-lost-trust-over-aukus/>). Accessed 20 February 2022.

54. Auswärtiges Amt. 13 September 2021. One Year of the German Government Policy Guidelines on the Indo-Pacific Region: Taking Stock. (<https://www.auswaertiges-amt.de/en/aussenpolitik/regionaleschwerpunkte/asien/indo-pazifik-leitlinien-fortschritt/2481700>). Accessed 1 March 2022.

cooperation in the region. The European Union has emphasised that it will not take any *ad hoc* measures that could strain relations with important partners.

## Reactions from the Region

### *China: Clear Opposition*

Although the People's Republic of China was not explicitly mentioned, the strategic orientation of AUKUS is clearly directed against its expansionist foreign policy. It is therefore not surprising that official representatives of China have shown clear opposition to the new alliance. Hardly any other foreign policy event in recent years has caused such an outcry among the Chinese authorities as the Australian announcement of the procurement of nuclear-powered submarines. Chinese Foreign Ministry spokesman Zhao Lijian accused the participating states that the alliance seriously "threatens regional peace and stability"<sup>55</sup> and is "extremely irresponsible."<sup>56</sup>

Official voices on the Chinese side even invoked the danger of a nuclear arms race in the region and accused the group of undermining international non-proliferation efforts. Australia, on the other hand, has repeatedly affirmed that it has no intention of acquiring nuclear weapons. Most serious, however, are Chinese accusations that the United States was trapped in a "Cold War mentality" and that it and its allies in the region were on a course of conflict with the People's Republic. A spokesperson for the Chinese embassy in London called on the United Kingdom to "avoid any action that would increase tensions in the Asia-Pacific or jeopardise peace and stability in the region".<sup>57</sup> From a diplomatic point of view, the Chinese reactions were clearly negative, but nevertheless well-measured.

### *Malaysia and Indonesia: Reacting with Caution*

Other states in the region are also concerned that the AUKUS agreement could increase the risk of conflict. Both Malaysia and Indonesia warned of an arms race. According to Malaysia's Prime Minister Ismail Sabri Yaakob, the project could prompt

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55. Embassy of the People's Republic of China in the Commonwealth of Australia. 2021. Chinese Foreign Ministry Spokesperson's Remarks, 23 September 2021. ([https://www.mfa.gov.cn/ce/ceau/eng/sghdxwfb\\_1/t1909396.htm](https://www.mfa.gov.cn/ce/ceau/eng/sghdxwfb_1/t1909396.htm)). Accessed 27 February 2022.

56. China Daily. 23 November 2021. AUKUS Submarine Cooperation 'Extremely Irresponsible'. (<https://www.chinadailyhk.com/article/248711>). Accessed 1 March 2022.

57. Louisa Brooke-Holland, John Curtis and Claire Mills. 2021. The AUKUS Agreement. House of Commons Library, 11 October 2021. (<https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf>). Accessed 8 March 2022.



other states to take more aggressive actions, especially in the South China Sea.<sup>58</sup> A statement from the Indonesian government said it viewed the pact “with caution” and was “deeply concerned about the ongoing arms race and power projection in the region”.<sup>59</sup> Four weeks after the announcement, in October 2021, Malaysian Foreign Minister Saifuddin Abdullah and his Indonesian counterpart Retno Marsudi met for bilateral talks in Jakarta. There they repeated the reservations they had already expressed immediately after the announcement of AUKUS.<sup>60</sup>

It remains to be seen whether Malaysia’s and Indonesia’s reservations about the pact reflect a major miscalculation between Canberra and its northern neighbours, or whether it is just a minor divergence between them.

### *Japan and the Philippines: Welcoming AUKUS*

The announcement of the alliance elicited a much more positive response from the United States’ traditional allies in the region, Japan and the Philippines. Japan officially welcomed the formation of AUKUS, and former Japanese Foreign Minister Toshimitsu Motegi expressed hope for an increased engagement of the participating nations in the region in the future.<sup>61</sup> In Japan, there is also hope that AUKUS could provide an impetus for technological cooperation within the QUAD group, with the United States, Australia, and India. Especially in the areas of artificial intelligence and cyber capabilities, Japan could benefit from such cooperation.

Philippine Secretary of Foreign Affairs Teodoro Locsin Jr. addressed the military imbalance between ASEAN member states and China in the region. He said, “[T]he enhancement of a near abroad ally’s ability to project power should restore and keep the balance [in the region] rather than destabilise it”.<sup>62</sup> This was taken as a generally approving statement towards the alliance.

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58. Reuters. 18 September 2021. Malaysia Warns new Indo-Pacific Pact May Trigger Nuclear Arms Race. (<https://www.reuters.com/world/asia-pacific/malaysia-warns-new-indo-pacific-pact-may-trigger-nuclear-arms-race-2021-09-18/>). Accessed 26 February 2022.

59. Kate Lamb and Agustinus Beo Da Costa. 17 September 2021. Indonesia Warns Against Arms Race after Australian Nuclear Sub Pact. Reuters. (<https://www.reuters.com/article/us-usa-security-indonesia-idAFKBN2GD0IM>). Accessed 26 February 2022.

60. Sebastian Strangio. 19 October 2021. Indonesia and Malaysia Reiterate Concerns About AUKUS Pact. The Diplomat. (<https://thediplomat.com/2021/10/indonesia-and-malaysia-reiterate-concerns-about-aucus-pact/>). Accessed 26 February 2022.

61. Ministry of Foreign Affairs of Japan. 2021. Press Conference by Foreign Minister MOTEGI Toshimitsu, 21 September 2021. ([https://www.mofa.go.jp/press/kaiken/kaiken25e\\_000038.html](https://www.mofa.go.jp/press/kaiken/kaiken25e_000038.html)). Accessed 2 March 2022.

62. Radio Free Asia. 21 September 2021. Philippines Throws Support Behind AUKUS Pact. (<https://www.rfa.org/english/news/china/pact-09212021152655.html>). Accessed 27 February 2022.

### *South Korea: Remaining Neutral*

South Korean reactions are a special case within the region. Although the country is one of the closest allies of the United States, South Korean officials have taken a neutral stance on the new alliance. Minister of Foreign Affairs Chung Eui-yong expressed his hope that AUKUS would not “disturb the situation” but contribute to order in the region.<sup>63</sup> President Moon Jae-in expressed similar sentiments, saying that he hopes “AUKUS will contribute to peace and prosperity”.<sup>64</sup> One possible reason for South Korea’s rather cautious position is that the country had requested the United States to cooperate in supplying nuclear fuel for its nuclear-powered submarine programme in 2020. However, this request was rejected by the United States and has led to some disgruntlement in South Korea. In the future, there is therefore the possibility of a similar partnership to AUKUS developing between South Korea and France, which wants to strengthen its role in the region.

South Korea relies heavily on the United States for its foreign and security policy. It remains to be seen how the AUKUS announcement and South Korean aspirations for nuclear-powered submarines will affect inter-state relations and dynamics in the region.

## **OUTLOOK**

In recent years, the Indo-Pacific region has emerged as one of the most dynamic and opportunity-rich areas in the world, being an important driver of global economic growth. At the same time, it is riddled by a multitude of security challenges and potential conflicts, many of them fuelled by China’s rise to power.

The United States, the United Kingdom, and France, in particular, are actively trying to strengthen their positions in the region by reinforcing existing alliances and building new partnerships with like-minded partners. As a littoral state of the Indian and Pacific Oceans, Australia has a special role to play in this context. Traditionally maintaining close relations with both the United Kingdom and the United States, the country is a strategically important gateway for Western countries.

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63. Associated Press Television News. 21 September 2021. S. Korea FM ‘Curious’ About AUKUS Alliance Impact. RepublicWorld. (<https://www.republicworld.com/world-news/rest-of-the-world-news/s-korea-fm-curious-about-aukus-alliance-impact.html>). Accessed 1 March 2022.

64. Nam Hyun-woo. 23 September 2021. AUKUS comes as pressure on Seoul to join anti-China campaign. The Korea Times. ([https://www.koreatimes.co.kr/www/nation/2021/09/120\\_315914.html](https://www.koreatimes.co.kr/www/nation/2021/09/120_315914.html)). Accessed 1 March 2022.

France and the United Kingdom, both nations with overseas territories in the region, have similar security and economic interests. However, in the context of AUKUS, they have acted as competitors rather than partners. This poses the risk of developing a rivalry between the two countries, which could hurt the West's strategic interests.

The European Union is in a difficult situation, as it is economically very closely linked to the Indo-Pacific but has only very limited power projection capabilities to defend its own interests. In ensuring long-lasting peace and an effective containment of China, the littoral states, such as India, Japan, South Korea, and Australia, play a far more central role. Nevertheless, the European Union is committed to increasing the naval presence of EU Member States and conducting more joint exercises and port calls with regional partners.

AUKUS is a reaction to an increasingly bipolar regional order while at the same time risking further fuelling of this trend. This would force the smaller states in the Indo-Pacific into a difficult predicament. According to the Lowy Institute's latest Asia Power Index the region has become significantly less favourable for middle powers in 2021.<sup>65</sup> The reactions of littoral states to the announcement have underlined this view. While nations that can be considered part of the US-led alliance, such as the Philippines and Japan, have been rather positive about AUKUS, other states, such as Malaysia and Indonesia, have been more reluctant, fearing a potential arms race.

How Russia's war on Ukraine will play out in the great power game in the Indo-Pacific region remains to be seen. The relationship between Russia and China has grown closer in recent years, both politically and economically. The joint statement of the summit between Putin and Xi in February 2022 stated that the strategic partnership between Russia and China knows "no limits".<sup>66</sup> Especially in light of the international sanctions, China offers an important alternative market for Russia's energy and raw materials. However, China cannot condone the disruption of world markets caused by the Russian aggression. In particular, China is concerned about the rising cost of energy and raw materials imports, on which its economy relies. Furthermore, while the country shows understanding for Russia's security concerns, it does not endorse Moscow's military action. Beijing has expressed its

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65. Hervé Lemahieu. 21 December 2021. Managing Asia's Bipolar Disorder. The Lowy Institute. (<https://www.lowyinstitute.org/publications/managing-asia-s-bipolar-disorder>). Accessed 15 March 2022.

66. Ian Hill. 11 March 2022. What the Ukraine crisis means for the Indo-Pacific. The Lowy Institute. The Interpreter. (<https://www.lowyinstitute.org/the-interpreter/what-ukraine-crisis-means-indo-pacific>). Accessed 18 March 2022.

“unwavering support” for Ukraine’s sovereignty.<sup>67</sup> When the United Nations General Assembly voted to condemn the Russian invasion in early March, China was one of 31 countries which chose to abstain.

The security and economic situation in the Indo-Pacific is complex and characterised by many uncertainties. One thing, however, is certain: The great power game in the region is far from over – it has only just begun. And AUKUS will likely play an important role in it.

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67. Robin Brant. 15 March 2022. Ukraine crisis: US warns China against helping Russia. BBC. (<https://www.bbc.com/news/world-asia-china-60732486>). Accessed 18 March 2022.

# Watching a Crisis: ASEAN and the PRC in Post-Coup Myanmar

*Chong Ja Ian*

More than a year has elapsed since Myanmar's military, the Tatmadaw, launched a coup that overthrew the country's democratically elected government led by the National League for Democracy (NLD) under Aung San Suu Kyi. Rather than simply seizing power rapidly as originally planned, the Tatmadaw is locked in a protracted armed struggle with a range of groups in Myanmar.<sup>1</sup> They include the National Unity Government that formed around the now-suspended NLD and other groups, as well as various armed ethnic organisations that have been part of Myanmar's political landscape since independence from British colonial rule. ASEAN now has a brewing civil war and a general breakdown in order in one of its member states as a result. Yet, the grouping is unlikely to take any action that appears to challenge its organising principles of non-intervention, consensus decision-making, the primacy of members' autonomy, territorial integrity, and the peaceful resolution of disputes among members.

ASEAN's unwillingness to revisit interpretations of its basic organising principles suggests that substantive departures from its current Five-Point Consensus – agreed with the Tatmadaw and no other actor in Myanmar – are unlikely to occur.<sup>2</sup> Formed as a collection of newly post-colonial states with some history of being targets for outside intervention, non-intervention, autonomy, and traditional notions about the inviolability of sovereignty provide a key basis for intra-ASEAN

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1. Faiola, Anthony. 4 February 2022. One year after Myanmar's coup, the fight is not going well for the generals. Washington Post. (<https://www.washingtonpost.com/world/2022/02/04/myanmar-one-year-coup-anniversary/>).

2. Association of Southeast Asian Nations. 24 April 2021. Chairman's Statement on the ASEAN Leaders' Meeting. (<https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>); Jaipragas, Bhavan. 25 April 2021. Is ASEAN's Five-Point Consensus workable, and what's next? South China Morning Post. (<https://www.scmp.com/week-asia/politics/article/3131028/asean-myanmar-five-point-consensus-workable-and-what-next>).

cooperation. Member states are unlikely to depart from such long-held positions despite the complications they present to ASEAN members generally, and, in the case of Myanmar, specifically. This despite some differences among ASEAN members on how to address the ongoing political and humanitarian crisis in Myanmar. Progress toward the ending of violence and arranging a visit by an ASEAN special envoy, as identified in the Five-Point Consensus, will continue to depend on voluntary compliance by the Tatmadaw.

Relative ASEAN inaction on Myanmar does not mean that individual member states and, indeed, other, non-ASEAN actors are refraining from trying to address developments in Myanmar on their own. The Thai government has engaged in bilateral engagements with the Tatmadaw regime, while Cambodia's Hun Sen visited Myanmar to meet with Tatmadaw leader Min Aung Hlaing, ostensibly as ASEAN chair but without consultation with other members.<sup>3</sup> The People's Republic of China (PRC) and Russia allegedly supply arms to the Tatmadaw and other groups in Myanmar, although Beijing remains cautious in its engagements given public suspicion of its motives and its economic exposure in the country.<sup>4</sup> Such conditions are likely to mean prolonged uncertainty and instability in Myanmar.

This brief essay will first outline ASEAN's position on non-intervention and its application to contemporary Myanmar, followed by a discussion of the varying positions on Myanmar among ASEAN members. A third section examines the multifaceted current PRC role in Myanmar. I then assess the effects that the various external actors have on Myanmar's ongoing civil war. The conclusion seeks to highlight some of the broader implications that follow from the dynamics explored in this paper and discuss possibilities for change from the current situation. Ultimately, I am pessimistic about the role that ASEAN can play in alleviating the conflict and instability that has beset Myanmar at this time.

## TO ADDRESS COMMON AVERSIONS

From the outset, ASEAN was formed to help member states address common aversions. ASEAN's foundational document, the Treaty of Amity and Cooperation

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3. Mustafa, Muzliza and Tria Dianti. 13 January 2022. Malaysia: Cambodian PM should have consulted ASEAN members before Myanmar visit. Benar News. (<https://www.benarnews.org/english/news/malaysian/malaysia-indonesia-express-reservations-about-hun-sen-myanmar-visit-01132022165351.html>).

4. Parry, Richard Lloyd. 23 February 2022. Myanmar junta received weapons from Russia, China, and Serbia for attacks on civilians. The Times. (<https://www.thetimes.co.uk/article/myanmar-junta-received-weapons-from-russia-china-and-serbia-for-attacks-on-civilians-x5sgwtmww>).

(TAC) in Southeast Asia, lists the following basic principles undergirding ASEAN cooperation:

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- b. The right of every State to lead its national existence free from external intervention, subversion or coercion;
- c. Non-interference in the internal affairs of one another;
- d. Settlement of differences or disputes by peaceful means;
- e. Renunciation of the threat or use of force;
- f. Effective cooperation among themselves.<sup>5</sup>

These principles eschew interference in the exercise of autonomy, self-determination, and domestic affairs among members while advancing the avoidance of coercion in the management of differences. The only positive principle is the promotion of effective cooperation. Stating key principles in the negative carves out a list of behaviours to avoid and does not spell out actions that member states should undertake. Such a cautious, even conservative, approach to cooperation leaves open possibilities for ASEAN members and their partners to explore but provides few guidelines on how to move forward on cooperation. Such a quality may prove particularly tricky when the need to overcome coordination and collective-action problems is urgent, as in the case of the ongoing crisis in Myanmar.

Building ASEAN around common aversions made sense for its members at the grouping's inception. ASEAN's original members, except Thailand, were all within two decades of throwing off colonial rule. This meant that colonial rule and the processes of decolonisation remained fresh in the minds of leaders and populations. There were continuing and unresolved territorial disputes between Malaysia and the Philippines, Singapore had recently split from Malaysia, while Indonesia had just ended a years-long insurgency in Malaysia even as territorial disputes persisted.<sup>6</sup> That ASEAN was formed around an explicit emphasis on respecting autonomy,

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5. ASEAN. 1976. Treaty of Amity and Cooperation in Southeast Asia. ASEAN Secretariat. (<https://asean.org/wp-content/uploads/2021/01/20131230235433.pdf>).

6. Khoman, Thanat. 1 September 1992. ASEAN Conception and Evolution. ASEAN Secretariat. (<https://asean.org/about-asean/the-founding-of-asean/asean-conception-and-evolution-by-thanat-khoman/>); Leong, Kok Way, Adam. 16 September 2021. How 'Konfrontasi' reshaped Southeast Asian regional politics. *The Diplomat*. (<https://thediplomat.com/2021/09/how-konfrontasi-reshaped-southeast-asian-regional-politics/>).

territorial integrity, non-intervention, and non-use of force was unsurprising since they provided the basic understanding necessary for cooperation to occur.

Intra-ASEAN coordination was initially facilitated by the shared regime type and strategic outlook among members. ASEAN's earlier members, including Brunei, were conservative, authoritarian, developmentalist, and anti-communist regimes. Convergent views on politics helped ASEAN members coordinate their actions more effectively, notably over the decade-long effort to pressure Vietnam on its invasion and occupation of Cambodia in conjunction with the United States and the PRC. Expansion to include Leninist Laos and Vietnam as well as post-communist Cambodia accompanied political transitions elsewhere in Southeast Asia, notably Indonesia, and the demise of a shared communist threat. This diluted the previous commonality in viewpoints in ASEAN. Consequently, intra-ASEAN cooperation since the Cold War requires coordination over a much wider array of different interests.

A result of the structural conditions facing ASEAN for the ongoing Myanmar crisis is that the grouping ends up with a status quo bias that is not conducive to taking the initiative. ASEAN members are consequently reticent about actions that could call non-intervention and respect for autonomy into question, since what they do in Myanmar may establish a precedent that members do not want. For instance, member states may wish to avoid any ASEAN role or voice in other instances of coups or stolen elections. This translates to a less active, even passive, role in trying to foster dialogue among the contending groups in Myanmar, much less facilitating some sort of mediation. Such attitudes may well have informed the limited progress on the ASEAN special envoy's visit to Myanmar and efforts to go beyond the baseline set through the Five-Point Consensus.

## DIFFERING POSITIONS

Compounding the structural constraints ASEAN must already manage are divergent positions among its members over the Myanmar coup and its aftermath. Such differences stem from variations in everything from regime type to physical proximity, economic interests, and concerns over precedents. To be sure, such complicating factors among ASEAN members existed before the Myanmar crisis. The coup along with the consequent and continuing unrest, instability, violence, and uncertainty sharpened these divisions, making ASEAN consensus over substantive issues particularly challenging to find. A result is the limited ASEAN ability to move push forward on initiatives to alleviate conditions in Myanmar.

ASEAN member states with military-linked and strongman regimes may be more understanding, even sympathetic, to the Myanmar military and its coup. The



current governments in Thailand and Cambodia, for instance, have demonstrated efforts to reach out bilaterally to the Tatmadaw. Notably, Cambodian Prime Minister Hun Sen visited Myanmar and met with junta leader Min Aung Hlaing soon after Cambodia took over the 2022 ASEAN chair. That Hun Sen did so without the customary consultation with other ASEAN members resulted in public criticism from the sitting Singapore and Indonesia administrations.<sup>7</sup> Singapore, Indonesia, and Malaysia also seemed more alarmed at the armed seizure of power in Myanmar than other ASEAN members.<sup>8</sup>

In comparison, Singapore has been somewhat ambivalent about its purported economic ties with Myanmar, particularly corporations and commercial concerns that may have substantive cooperation or individual relationships with the Tatmadaw. Singapore remains the largest foreign investor in Myanmar, with commercial interests in sectors ranging from hospitality to infrastructure, energy, and telecommunications.<sup>9</sup> Given the pervasiveness of the Tatmadaw in Myanmar's economy, several key Singaporean commercial concerns in Myanmar are inexorably linked to individuals and firms with ties to the military.<sup>10</sup> More worryingly, reports over the years suggest that Singapore either sold weapons and military-related technologies to the Tatmadaw or otherwise participated in the development of

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7. Wiriyapong, Nareerat. 7 Feb 2022. Myanmar tests ASEAN unity again. Bangkok Post. (<https://www.bangkokpost.com/business/2259843/myanmar-tests-asean-unity-again>).

8. Strangio, Sebastian. 18 February 2021. Indonesia leading ASEAN push on Myanmar coup. The Diplomat. (<https://thediplomat.com/2021/02/indonesia-leading-asean-push-on-myanmar-coup/>).

9. Oh, Su-Ann. 16 May 2019. Singapore is currently the biggest foreign investor in Myanmar. ISEAS Commentaries. (<https://www.iseas.edu.sg/media/commentaries/singapore-is-currently-the-biggest-foreign-investor-in-myanmar-by-suann-oh/>).

10. Oh, Su-Ann. 8 April 2021. Singapore businesses in Myanmar: Navigating the choppy waters of political turmoil. Fulcrum. (<https://fulcrum.sg/singapore-businesses-in-myanmar-navigating-the-choppy-waters-of-political-turmoil/>).

Tatmadaw capabilities.<sup>11</sup> Brunei too has economic interests in Myanmar that may create mixed incentives on pressuring the Myanmar military.<sup>12</sup>

Nonetheless, Singapore has been somewhat critical of the coup and has volunteered some information relating to Tatmadaw-related economic activities in the republic. Such efforts notably included Myanmar-related exchanges involving the illegal transfer of oil to North Korea, but this could well be due to compliance with UN sanctions over North Korea.<sup>13</sup> Singapore, however, has maintained that it does not have ties with the Tatmadaw, despite anecdotal evidence suggesting otherwise and some indication of the transfer of military or dual-use know-how.<sup>14</sup> Singapore has also shied away from imposing sanctions on the Tatmadaw, claiming that they are crude, blanket measures without discussing the possibility of targeted sanctions of the sort currently being deployed toward Russia for the invasion of Ukraine.<sup>15</sup>

Jakarta and Bandar Seri Begawan both expressed alarm at the coup and sought to encourage ASEAN action. Indonesia was a major proponent and intellectual architect of ASEAN's Five-Point Consensus, which was able to take shape with the

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11. Independent International Fact-Finding Mission to Myanmar. August 2019. Arms and military equipment suppliers to the Tatmadaw. United Nations Office of the High Commissioner for Human Rights (OHCHR). ([https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/EconomicInterestsMyanmarMilitary/Infographic2\\_Arms\\_and\\_Military\\_Equipment\\_Suppliers.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/EconomicInterestsMyanmarMilitary/Infographic2_Arms_and_Military_Equipment_Suppliers.pdf)); International Peace Information Service (IPIS). 10 May 2021. Arms transfers to Myanmar. Arms Trade Bulletin. (March – April 2021) (<https://ipisresearch.be/weekly-briefing/arms-trade-bulletin-march-april-2021/>); The Irrawaddy. 12 October 2021. Low-profile arms dealer continues to supply Myanmar military's weapons. The Irrawaddy. (<https://www.irrawaddy.com/news/burma/low-profile-arms-dealer-continues-to-supply-myanmar-militarys-weapons.html>); Tan, Hui Yee. 26 October 2021. Singapore radar specialist defends engagement with Myanmar military. Straits Times. (<https://www.straitstimes.com/asia/se-asia/singapore-radar-specialist-defends-engagement-with-myanmar-military>).

12. Justice for Myanmar. 11 August 2021. Brunei's conflict of interest muddies role of Special Envoy. Justice for Myanmar. (<https://www.justiceformyanmar.org/stories/bruneis-conflict-of-interest-muddies-role-of-asean-special-envoy>).

13. Center for Strategic and International Studies. 29 March 2022. Burmese financial holdings and U.S.-Singapore contention. New Perspectives on Asia. (<https://www.csis.org/blogs/new-perspectives-asia/burmese-financial-holdings-and-us-singapore-contention>); United Nations Security Council. 5 March 2018. Note by the President of the Security Council. United Nations. ([https://www.un.org/ga/search/view\\_doc.asp?symbol=S/2018/171&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=S/2018/171&Lang=E)).

14. Singapore Ministry of Foreign Affairs. 6 July 2021. Minister for Foreign Affairs Dr. Vivian Balakrishnan's written replies to Parliamentary Questions, 6 July 2021. Singapore Ministry of Foreign Affairs. (<https://www.mfa.gov.sg/Newsroom/Press-Statements-Transcripts-and-Photos/2021/07/20210706-Written-Replies-to-PQs>).

15. Singapore Ministry of Foreign Affairs. 21 August 2021. Transcript of Foreign Minister Dr. Vivian Balakrishnan's interview with Reuters, 20 August 2021. Singapore Ministry of Foreign Affairs. (<https://www.mfa.gov.sg/Newsroom/Press-Statements-Transcripts-and-Photos/2021/08/20210821-Transcript-of-Reuters-Interview>).

support of Brunei's diplomatic efforts as 2021 ASEAN Chair.<sup>16</sup> Brunei provided the first ASEAN Special Envoy to Myanmar and was ready to hold off on the envoy's visit to Myanmar given the stalling of the Tatmadaw's compliance with the Five-Point Consensus.<sup>17</sup> Bandar Seri Begawan and Jakarta further worked with other ASEAN capitals to insist on having a "non-political" representative for Myanmar at ASEAN meetings, effectively locking out participation by the Tatmadaw for the lack of progress on the Five-Point Consensus.<sup>18</sup> Such moves facilitate ASEAN meetings with top leaders from Europe and the United States, who would likely wish to avoid being included in the same events as the Tatmadaw's top leadership.

Collectively, divergent member positions make ASEAN's all-important consensus challenging to find. Since ASEAN can only proceed by consensus, the grouping is likely to avoid issues where gaps among members are difficult to bridge even without Myanmar's participation. This leaves any ASEAN agreements or initiatives to centre on the lowest common denominator among members states, often resulting in declaratory statements of intent surrounding general principles that provide little direction for concrete action. ASEAN's Five-Point Consensus on Myanmar, which essentially calls for the cessation of hostilities and dialogue along with the provision of humanitarian assistance, seems to hold many of these lowest common denominator qualities. Should existing conditions remain unchanged, any subsequent ASEAN effort to address the Myanmar crisis is likely to be substantively similar.

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16. Septiari, Dian. 29 June 2021. Indonesia reiterates call to appoint ASEAN envoy to Myanmar. Jakarta Post. (<https://www.thejakartapost.com/seasia/2021/06/29/indonesia-reiterates-call-to-appoint-asean-envoy-to-myanmar.html>).

17. Rahil, Siti. 8 August 2021. ASEAN envoy willing to wait before meeting Myanmar's ousted leader. Kyodo News. (<https://english.kyodonews.net/news/2021/08/a93a835222ca-asean-envoy-willing-to-wait-before-meeting-myanmars-ousted-leader.html>).

18. Desker, Barry. 20 October 2021. ASEAN's Myanmar snub. RSIS Commentary. (<https://www.rsis.edu.sg/rsis-publication/rsis/aseans-myanmar-snub/>).

## BEIJING'S MULTIFACETED ROLE

As a neighbour sharing a land border, the People's Republic of China has a long and complicated relationship with Myanmar. Beijing is a trading partner of and an investor in Myanmar that has worked with various governments, including the previous military government and the ousted NLD administration. PRC investments have seen the development of the Kyaukphyu port, several urban and industrial developments, and the construction of oil and gas pipelines that link terminals at Kyaukphyu to southern China.<sup>19</sup> These oil and gas pipelines help the PRC diversify its transport routes for energy and help reduce its dependence on the Strait of Malacca, helping Beijing better manage risks from its heavy reliance on imported energy. Previous PRC efforts to construct a major dam at Myitsone resulted in strong local pushback leading to the freezing of the project, suggesting that Beijing's involvement in Myanmar's economy is not universally welcome.<sup>20</sup>

Concurrently, Beijing and PRC authorities in southern Yunnan province are tied to local conflicts and peace processes in Myanmar. The PRC has historically played a role in peace processes in Myanmar, such as pressuring ethnic armed organisations in Myanmar's Northern Alliance into negotiations with the central government in Naypyidaw, even as it hosted refugees from any fighting.<sup>21</sup> Beijing further extended military and political support to Myanmar's central government as the military engaged in ethnic cleansing against the Rohingya.<sup>22</sup> The PRC has also been implicated in support for the United Wa State Army in its confrontation with the Myanmar central government, while efforts to quell unrest in Kokang even led to the erroneous bombing of Chinese territory by the Myanmar air force.<sup>23</sup> These roles give the PRC significant influence over Myanmar's foreign policy across successive governments but also raise suspicions about Beijing's motives within Myanmar.

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19. Chaudury, Dipanjan Roy. 9 August 2021. Myanmar junta expedites work on China funded Kyaukphyu port. *The Economic Times*. (<https://economictimes.indiatimes.com/news/international/world-news/myanmar-junta-expedites-work-on-china-funded-kyaukphyu-port/articleshow/85167272.cms>).

20. Fawthrop, Tom. 11 March 2019. Myanmar's Myitsone dam dilemma. *The Diplomat*. (<https://thediplomat.com/2019/03/myanmars-myitsone-dam-dilemma/>).

21. USIP China Myanmar Senior Study Group. 14 September 2018. China's role in Myanmar's internal conflicts. United States Institute of Peace. (<https://www.usip.org/publications/2018/09/chinas-role-myanmars-internal-conflicts>).

22. Reuters Staff. 19 September 2017. China offers support to Myanmar at U.N. amid Rohingya crisis. *Reuters*. (<https://www.reuters.com/article/us-myanmar-rohingya-china-idUSKCN1BU070>).

23. Lim, Cheng-Hin, Alvin. 2015. The March 2015 bombings of Yunnan and the decline in Sino-Myanmar relations. *The Asia-Pacific Journal* 14(13) (<https://apjif.org/2015/13/13/Alvin-Cheng-Hin-Lim/4305.html>).

The PRC continues to play a mixed role in Myanmar following the coup. Beijing has not been evidently active in pushing the various sides toward resolving the conflict and has instead publicly deferred to ASEAN on these matters. Yet, the PRC is reportedly one of the main sources of arms for the Tatmadaw – the other being Russia – as other international sources of arms and military-related services refrain from involvement in the developing civil war.<sup>24</sup> That said, Beijing has been providing COVID-19 vaccines to Myanmar following the coup.<sup>25</sup> Such actions suggest that while Beijing prefers order along its borders and is willing to support the Tatmadaw, it is exercising caution, especially since anti-coup protesters highlighted Beijing as one of the military junta's main backers.

Given Beijing's mixed incentives, it is likely to continue taking a cautious approach toward Myanmar and continue to engage with various parties quietly. Such a stance prevents the PRC from being cut off from its various interests in the country while the civil war rages on and puts it in a position to consolidate ties with whichever side finally prevails. Beijing can thus avoid a situation like the indefinite suspension of the Myitsone Dam project by the government of Thein Sein in 2011, which resulted in PRC investment up to that point being frozen.<sup>26</sup> A result of Beijing's careful approach to Myanmar is that it is unlikely to take any public stand or demonstrate public support until likely outcomes in the civil war become clearer on the ground. This also means that activities that support conflict – such as the sale of military equipment to the military and commercial activities that fund the military's activities – will continue and help prolong the conflict regardless of whether this is Beijing's intention.

## THE RISK OF CHRONIC UNREST

Out of the multiple interests and considerations regional actors have in relation to Myanmar, the most likely result if nothing is done is the containment of prolonged instability, insecurity, and violence within the country. In essence, no outside actor seems willing to risk initiating action either alone or collectively that can discourage continued violence, particularly by the military. Some commercial activities

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24. DW. 22 February 2022. China, Russia arming Myanmar junta, UN expert says. Deutsche Welle. (<https://www.dw.com/en/china-russia-arming-myanmar-junta-un-expert-says/a-60868089>).

25. Xinhua. 26 September 2021. Another 4 million doses of Chinese COVID-19 vaccines arrive in Myanmar. Xinhua. ([http://www.xinhuanet.com/english/asiapacific/2021-09/26/c\\_1310211101.htm](http://www.xinhuanet.com/english/asiapacific/2021-09/26/c_1310211101.htm)).

26. Currie, Kelly. 21 February 2021. Can a dam deal buy Beijing's support for Myanmar's junta? Foreign Policy. (<https://foreignpolicy.com/2021/02/23/myanmar-china-dam-deal-junta-democracy/>).

and even outright arms sales may instead foster persistent fighting and unrest. Neighbouring states do, however, share an interest in making sure that problems within Myanmar stay within Myanmar and do not spill across borders, an attitude perhaps best exemplified by the PRC constructing a border fence to prevent the movement of people. A consequence is a chronic conflict among the military, ethnic armed organisations, and forces loyal to the National Unity Government with no end in sight and a perpetually terrorised population.

ASEAN seems unlikely to take a substantively different course of action on Myanmar unless the current situation changes materially. There may be some international and domestic pressure on ASEAN members to demonstrate that they are actively working on the deteriorating situation and escalating violence in Myanmar. So long as there is no significant cross-border spillover of the conflict or related instability, ASEAN members are likely to be very cautious about creating stronger precedents for involvement in domestic politics. After all, several member states are currently run by regimes that have come to power through coups and other non-democratic means or are implicated in human rights abuses on which they do not wish to draw further attention. ASEAN may continue with special envoy visits to Myanmar focusing on the military to the exclusion of other parties and limiting Myanmar's full participation at ASEAN events, and perhaps move to the provision of humanitarian aid in conjunction with the military junta.<sup>27</sup>

Individual ASEAN members will likely continue in their current trajectories when managing ties with Myanmar. States like Singapore and Thailand may permit corporations registered in their jurisdictions – including state-linked ones – to continue with their commercial activities in Myanmar on the belief that business and politics are separate. This remains the case even if such exchanges effectively mean that the Myanmar military, military-linked firms, and military families can continue to profit. Singaporean and Thai investments in Myanmar increased in value between 2021 and 2022.<sup>28</sup> Local ties with other groups in areas along the Thai-Myanmar border is likely to persist as long as they do not become politically embarrassing for Bangkok, which allows for some movement of refugees, regular trade, as well as trade of illicit goods. Otherwise, other ASEAN members have little

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27. Cheang, Sopheng. 23 March 2022. ASEAN envoy sees minor progress in Myanmar mission. Associated Press. (<https://apnews.com/article/business-asia-myanmar-global-trade-southeast-asia-814d2b22402e9173ce90447e3eaa197b>).

28. Xinhua. 31 March 2022. Singapore becomes biggest foreign investor of Myanmar in 4 months of interim budget period. Xinhua. (<http://www.xinhuanet.com/english/asiapacific/20220207/812846d52591466085c5fa7840faf7a1c.html>).

reason to allow the Myanmar issue to affect their other work, except in situations where visible refugee flows become a politically salient issue as occurred with the Rohingya refugees in 2015.<sup>29</sup>

Beijing likewise seems to have settled into a stable *modus operandi* that sees it engage with various parties in Myanmar to preserve, if not advance, its position in the country. This means that the PRC will generally remain hands-off so long as whatever unrest or violence does not cross into bordering Yunnan province. Arms sales to the Myanmar military and possibly other groups look set to persist, clandestine or otherwise, just as existing business ties will continue even if this funds conflict and violence. Concurrently, the PRC will very possibly continue to articulate respect for non-intervention and the need for ASEAN to take the lead on Myanmar and offer support should this happen. Beijing likely expects that ASEAN initiatives have little chance of achieving anything substantive at this point. As Beijing tries to avoid rocking the boat, its actions are unlikely to alleviate conditions in Myanmar.

Current conditions unfortunately do not look optimistic for an end to violence and instability in Myanmar. Without being subject to greater pressure and with continued access to funds as well as weapons, the Myanmar military can continue its armed campaign against opponents such as the NUG and its People's Defense Force as well as various ethnic armed organisations. Given that the NUG and other forces arrayed against the military are unlikely to give up and appear to have their own sources of funds and arms, any let-up in conflict and violence seems very remote. As the breakdown in governance worsens, already-present problems like a rise in displaced persons, human trafficking, and the manufacture as well as export of narcotics may well persist.<sup>30</sup> Even if such conditions do not worsen, their persistence sets back hopes for human development in Myanmar while allowing human suffering on a massive scale.

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29. Myanmar Directorate of Investment and Company Administration. February 2022. Foreign investment of permitted projects as of (28/02/2022) (By country/region). Myanmar Directorate of Investment and Company Administration. ([https://www.dica.gov.mm/sites/default/files/document-files/fdicountry\\_2.pdf](https://www.dica.gov.mm/sites/default/files/document-files/fdicountry_2.pdf)).

30. Ali MC. 1 February 2022. World accused of 'sitting and watching' as Myanmar slides to war. Al Jazeera. (<https://www.aljazeera.com/news/2022/2/1/world-accused-of-sitting-and-watching-as-myanmar-slides-to-war>); Zsombor Peter. 5 March 2022. UN: Myanmar's militias, rebel armies ramping up drug trade. Voice of America. (<https://www.voanews.com/a/un-myanmar-drug-dealing-militias-rebel-armies-ramping-up/6471711.html>); Wongcha-um, Panu and Tom Allard. 2 February 2022. Drug trafficking surging in year since Myanmar coup. Reuters. (<https://www.reuters.com/world/asia-pacific/drug-trafficking-surging-year-since-myanmar-coup-2022-02-01/>);

## CONCLUSION

The 1 February 2021 coup in Myanmar has now sadly, and perhaps predictably, descended into civil war. Current indications are that the fighting and instability will be protracted, with any clear victory difficult to achieve by any side in the short run save some sudden and unexpected change. The conditions that paved the way for the coup are multiple and will no doubt be debated on for years to come, but there is little doubt that the trigger for the coup and downward spiral in stability is the Myanmar military led by Min Aung Hlaing. The world, including Myanmar's neighbours and ASEAN partners, are complicit in these developments, given their relative inaction and desire to continue working with military-related interests, whether directly or indirectly. Russia's unwarranted invasion of Ukraine in late February 2022 has the unfortunate effect of further drawing attention away from Myanmar.

ASEAN, ASEAN members, and other international actors, the PRC included, are unlikely to change their positions on Myanmar short of some major developments on the ground. Most likely, this means the playing out of the civil war when it eventually moves from stalemate to some sort of resolution, when one side manages to grind its rivals down. Of course, there is the possibility of rapid changes on the ground, such as a collapse of one of the belligerents or some sudden pathway to victory. Nonetheless, external actors seem agnostic as to who prevails and will work with any victor to further mutual interests, citing the need to bring stability, recovery, and development. In the interim, their actions along with ASEAN's structural constraints mean that the Myanmar military will benefit from its position as the ostensible government in control of major urban areas even as the NUG and others struggle for advantage and support.



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# ASEAN in Health Crisis Mode

*Joanne Lin Weiling and Melinda Martinus*

## INTRODUCTION

The emergence of COVID-19 in early 2020 represented a challenge for multilateralism. The lack of international leadership, compounded by domestic policy prioritisation in handling the health crisis, exposed the limit of multilateral cooperation. The Association of Southeast Asian Nations (ASEAN), an inter-governmental organisation consisting of ten Southeast Asian states, is no exception.

Two years into the pandemic, the COVID-19 threat to health remained the top concern for Southeast Asians. The *State of Southeast Asia 2022 Survey Report*<sup>1</sup> published by the ISEAS-Yusof Ishak Institute indicated that the pandemic's threat to health continues to be seen to be the most urgent challenge in the region. 75.4 per cent of Southeast Asians who participated in the survey expressed concern about the pandemic's threat to health, followed by concerns over unemployment and economic recession<sup>2</sup>.

It is not surprising that COVID-19 continues to preoccupy regional affairs. At the beginning of 2022, countries in Southeast Asia were grappling with the spread of the Omicron variant that drove the number of infection cases higher. As of 20 April 2022, there were 30,912,450 confirmed cases in ASEAN with 346,129 deaths. While the average full-vaccination rate in the ASEAN region has surpassed 70 per cent, there remains a stark difference in managing the rollouts among regional countries. Countries with a relatively large population, such as Indonesia and the Philippines, remained lagging in administering the vaccine roll-out compared to

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1. S. Seah et al. 2022. *The State of Southeast Asia 2022*. Singapore: ISEAS-Yusof Ishak Institute.

2. These two top options are out of eight options presented in the survey, including also: deteriorating human rights conditions; domestic political instability; increased military tensions arising from potential flashpoints; climate change and more intense frequent weather events; terrorism; and widening socio-economic gaps and rising income disparity.

small countries such as Brunei, Singapore, and Cambodia. Meanwhile, the vaccination rate in Myanmar is the lowest in the region due to the unprecedented political and security crisis that has been hampering health responses there since February 2021.<sup>3</sup>

**Table 1: Number of COVID-19 Cumulative Confirmed Cases and Deaths per Million People.**

Country	Cumulative Cases*	Cumulative Deaths*	Vaccination Rate (%) (2 doses)**
Brunei	169,848	168	100.00%
Cambodia	136,076	3,056	84.84%
Indonesia	6,100,671	156,770	60.50%
Laos	210,324	757	68.47%
Malaysia	4,578,741	35,787	83.21%
Myanmar	613,683	19,434	43.31%
Philippines	3,710,145	60,610	63.52%
Singapore	1,485,964	1,421	91.51%
Thailand	4,536,445	30,758	75.68%
Vietnam	10,749,324	43,088	80.92%
<b>Total</b>	<b>32,291,221</b>	<b>351,849</b>	<b>75.20% (average)</b>

Source:

\* data were taken from the WHO Health Emergency Dashboard per 7 July 2022.

\*\* data were gathered from Our World in Data. Date varied among countries, mostly as of late May to early July.

ASEAN continues to be preoccupied with both domestic challenges and commitment in advancing regional efforts and addressing the devastating impact of the pandemic on both the health and socio-economic fronts. The last two chairmanship, Vietnam and Brunei Darussalam, were challenged to initiate responses to maintain the region's openness and credibility. The current chairman, Cambodia, meanwhile, is in a much more different situation. The world economy is about to open up fully and ASEAN member states are much more confident in their capacity to weather the pandemic challenges.

However, the perception about ASEAN has never been rosy. During the early stage of the pandemic in 2020, ASEAN as a regional organisation had been strongly

3. BBC. 1 February 2022. Myanmar: What Has Been Happening since the 2021 Coup? BBC News, 1 February 2022, sec. Asia. (<https://www.bbc.com/news/world-asia-55902070>).

criticised for its slow response to the pandemic<sup>4</sup>. The *State of Southeast Asia 2022 Survey Report* published by the ISEAS-Yusof Ishak Institute in 2021 highlighted that 52.4 per cent of Southeast Asians surveyed were concerned that “ASEAN [was] unable to overcome the current pandemic challenges”.<sup>5, 6</sup> The perception remained unchanged in the subsequent survey published a year after that.<sup>7</sup>

Contrary to the perceptions that ASEAN is slow and ineffective, ASEAN has triggered responses and mobilised existing mechanisms since January 2020, particularly new health-related initiatives to reinforce existing response efforts and strengthen future regional preparedness. This is on top of other non-health sector initiatives to address the economic and social impact of the pandemic, such as the ASEAN Comprehensive Recovery Framework (ACRF).

The paper aims to (i) review the timeline of ASEAN's responses as a bloc and its cooperation with external partners; (ii) assess the effectiveness of these ASEAN initiatives and examine if the COVID-19 health crisis has strengthened the unity, resilience and cohesiveness of ASEAN; (iii) examine the sub-regional and bilateral cooperation between ASEAN member states; and (iv) discuss how ASEAN as a bloc is working towards the reopening of borders in transiting from a pandemic to an endemic phase.

## **TIMELINE OF ASEAN'S RESPONSES TO THE COVID-19 PANDEMIC<sup>8, 9</sup>**

When the World Health Organization (WHO) declared COVID-19 a global pandemic on 11 March 2020, all ten ASEAN member states which were affected by the pandemic started to launch national prevention and control strategies to contain the outbreak.

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4. Sharon Seah. 18 May 2020. ASEAN's Covid-19 Pandemic Response: Practical Next Steps, PERSPECTIVE Issue 2020 No. 47.

5. S. Seah et al. 2021. *The State of Southeast Asia 2021*. Singapore: ISEAS-Yusof Ishak Institute.

6. This is out of six options. The top option is “ASEAN is slow and ineffective, and thus cannot cope with fluid political and economic developments”, while is the second top option is “ASEAN is becoming an arena of major power competition and its member states may become major power proxies”.

7. S. Seah et al. 2022. *The State of Southeast Asia 2022*. Singapore: ISEAS-Yusof Ishak Institute

8. ASEAN Secretariat. (<https://asean.org/asean-health-sector-efforts-in-the-prevention-detection-and-response-to-coronavirus-disease-2019-covid-19-1/>).

9. Dr. Fernando F, et al. 2020. COVID-19: A Collective Response in ASEAN. *The ASEAN*, Issue 01, May 2020. (<https://asean.org/wp-content/uploads/2017/09/The-ASEAN-Magazine-Issue-1-May-2020.pdf>).

ASEAN as a regional body activated its regional health mechanisms to support national measures as well as to promote knowledge and information exchange in a timely manner. These included:

- a. **ASEAN Emergency Operations Centre Network for Public Health Emergencies (ASEAN EOC Network)** – The network played a critical role in rapid information sharing through exchanges of information among ASEAN member states. The network also facilitated the coordination with partners around the globe to share their experiences in managing COVID-19, including special meetings with Australia (July 2020), China (February and March 2020), France (June 2020), Italy (April 2020), and the United States (April 2020).

Through these meetings, ASEAN managed to exchange information and acquired learnings from the experiences of medical experts in ASEAN and other countries in areas such as clinical management, risk communications, vaccines rollout, medical counter-measures and non-pharmaceutical interventions. The network has brought forward the proposal to establish the ASEAN Centre for Public Health Emergencies and Emerging Disease, which is expected to be established this year. (See section below.)

- b. **ASEAN Risk Assessment and Risk Communication (ARARC) Centre** – The centre, which is hosted by Malaysia, conducts trainings on risk assessment and risk communication, including combating false news and misinformation circulated on social media.
- c. **ASEAN BioDiaspora Virtual Centre (ABVC)** – The centre provides risk assessment through bio-surveillance of infectious diseases, epidemics and pandemics that can provide daily updates on biological health events and emergencies. Since 2020, the ABVC has produced thrice-weekly COVID-19 situation reports in the ASEAN region.<sup>10</sup> The reports continue to provide public health officials with air-travel data volume in order for them to take the necessary measures against the potential dissemination of diseases through air travel. It also provides information on numbers and rates of cases and deaths, the epidemic curves of ASEAN countries, as well as travel advisories among ASEAN countries.

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10. This platform can be accessed through this link: <https://aseanphe.org/phe-mechanism/asean-biodiaspora-virtual-centre-abvc/>.

- d. **Guideline for Public Health Emergency Response for All Hazards in ASEAN Member States** – The guideline provides preparedness and response references for all hazards that engage multiple sectors, including health, defence, disaster management, social welfare, and national authority on chemical, biological, radiological and nuclear emergencies (CBRNE). ASEAN intends to utilise this guideline to develop health-related standard operating procedures (SOP) and other related measures, including new coordination mechanisms for future public health emergencies.
- e. **ASEAN Plus Three Field Epidemiology Training Network (ASEAN+3 FETN)** – The network allows field epidemiologists to share experiences in disease surveillance and outbreak investigations, and other topics related to responding to the COVID-19 pandemic. The ASEAN+3 FETN has been conducting a series of information sharing on disease surveillance among ASEAN and the Plus Three Countries. More than 11 virtual sessions have been conducted by the end of 2021 to share experiences among field epidemiologists on disease surveillance and outbreak investigations, among other topics related to the pandemic.

Through the above-mentioned mechanisms, ASEAN was able to provide collective responses to the pandemic very swiftly as these platforms had already been institutionalised in the ASEAN Post-2015 Health Development Agenda and operationalised through the various Work Programmes of the ASEAN Health Clusters.

Despite the pandemic having caught many in the region by surprise, ASEAN did not have to start from ground zero – thanks to experiences gained from managing previous epidemics like SARS, Avian Flu, and the H1N1 influenza. It re-built some of these existing mechanisms that allowed ASEAN to enhance its coordination and cooperation across ASEAN sectoral bodies.

## Convening Special Meetings

Apart from the prompt activation of existing health mechanisms, ASEAN health ministers met at a special video conference on 7 April 2020 to review the on-going regional response efforts and to provide strategic guidance on the way forward. Following the meeting, ASEAN stepped up cooperation to strengthen risk communication, coordinate cross-border contact tracking and outbreak investigations, enhance collaboration in research, and strengthen existing health cooperation mechanisms, among others.

Following the special meeting, the ASEAN health ministers also met with their counterpart health ministers from the Plus Three countries (China, Republic

of Korea and Japan) and the United States. The ASEAN Senior Officials for Health Development (SOMHD) and health experts from ASEAN countries also engaged actively with their counterparts from the Plus Three Countries, Australia, the EU, the US and the participating countries<sup>11</sup> of the East Asia Summit (EAS). Technical experts' discussions were also conducted through the above-mentioned mechanisms as well as through special webinars with health experts from partner countries, including the Republic of Korea.

Special meetings were conducted throughout 2020 and 2021, including the Special ASEAN Summit and the Special ASEAN Plus Three Summit on COVID-19 on 14 April 2020. A *Special Video Conference of the ASEAN Health Ministers on ASEAN COVID-19 Response After One Year* took place in July 2021 to continue the exchanging of updates and experiences on national vaccine rollout and genomic surveillance, as well as to find synergies in research, laboratory capacity and the development of ASEAN health protocols to support post-COVID-19 recovery in the region<sup>12</sup>.

## Expanded Health and Non-Health Sector Initiatives

While ASEAN's health sector mechanisms have been beneficial in addressing regional challenges on the health front, various non-health measures kicked in in all ASEAN countries, including travel restrictions, prohibition of social gatherings, lockdowns, community quarantines, as well as work-from-home and study-from-home measures.

These non-health measures, despite being effective in containing the spread of the virus, have resulted in negative impacts on the economies and people's livelihoods as well as other disruptions to societies. Thus, while saving lives, ASEAN also recognised the need to save livelihoods, to build back better while working towards post-COVID-19 recovery, and to fast-track digital transformation as a means to accelerate economic recovery.

ASEAN was also aware that to recover swiftly and sustainably, whole-of-government efforts by its member states as well as a whole-of-community or multi-sectoral approach by ASEAN would be necessary. To advance its collective efforts to respond to COVID-19 coherently and holistically, the **ASEAN Coordinating Council Working Group for Public Health Emergencies (ACCWG PHE)** was established. ASEAN also identified a set of ASEAN-wide initiatives to address the

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11. ASEAN member states, Australia, China, India, Japan, New Zealand, Republic of Korea, Russia and the United States.

12. ASEAN Secretariat. (<https://asean.org/2021-special-video-conference-of-the-asean-health-ministers/>).



challenges of the pandemic and to increase ASEAN's resilience in preparing for future public health emergency threats. Some of the new initiatives that were set up by ASEAN include:

- a. **COVID-19 ASEAN Response Fund** serves as a pool of financial resources to support the immediate procurement of medical supplies and equipment for COVID-19 response, cooperation in research and development related to COVID-19 and other capacity building for health professionals. As of January 2022, the Fund stood at approximately US\$30 million, comprising contributions and pledges from 22 countries, of which US\$10.5 million was utilised to procure COVID-19 vaccines through the United Nations Children's Fund (UNICEF) for its member states and the ASEAN Secretariat. The vaccines (the preferred types may be indicated by each ASEAN member state) are expected to be distributed by the second quarter of 2022. ASEAN countries<sup>13</sup> are able to receive between 100,000-150,000 doses of COVID-19 vaccines each.
- b. **ASEAN Regional Reserve of Medical Supplies (RRMS)** helps to ensure timely responses to public health emergencies and their impacts through the swift mobilisation and distribution of accessible and readily available earmarked essential medical supplies and pharmaceutical stockpiles. A list of more than 80 essential medical items such as protective personal equipment, diagnostic test kits, instruments and apparatus, drugs and medicines have been identified. Earmarked contributions have been received from Singapore, Thailand and Vietnam.
- c. **ASEAN Comprehensive Recovery Framework (ACRF)** is ASEAN's coordinated, whole-of-community exit strategy from the COVID-19 pandemic. Adopted at the 37th ASEAN Summit in 2020, the ACRF and its implementation plans covers five broad strategies, including: (i) enhancing health systems; (ii) strengthening human security; (iii) maximising the potential of intra-ASEAN market and broader economic integration; (iv) accelerating inclusive digital transformation; and (v) advancing towards a more sustainable and resilient future. As of end August 2021, about 22 per cent of the ACRF initiatives have been completed, while 72 per cent of the initiatives have commenced or are ongoing. The ACRF Support Unit at the ASEAN

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13. Singapore has donated its portion equally to the other nine ASEAN member states.

Secretariat is fully operational and will provide ACRF monitoring and evaluation support as well as conduct outreach and resource mobilisation.

- d. **ASEAN Travel Corridor Arrangement Framework (ATCAF)** aims to facilitate essential business travels among ASEAN member states while strictly observing health protocols. It encourages the development of a digitalised platform that is transparent, credible and interoperable among ASEAN countries. The arrangement has yet to take effect although an Ad Hoc Task Force on the Operationalisation of the ATCAF (TF-ATCAF) has been set up. Coordination is underway towards enabling a common approach on verifying the authenticity of digital certificates and health documents.

Apart from the above-mentioned initiatives, ASEAN is looking to establish the ASEAN Centre for Public Health Emergencies and Emerging Diseases (ACPHEED) to further strengthen ASEAN's regional capabilities to prepare for, detect, and respond to public health emergencies and emerging diseases. The centre is intended to serve as a centre of excellence and regional resource hub and would further complement other whole-of-ASEAN initiatives. The ASEAN Health Sector is finalising the host country(ies) for the centre, which will be established utilising a US\$50 million support grant from Japan and a further AU\$21 million commitment from Australia.

ASEAN is also looking to further synergise the various initiatives on public health emergencies by developing a multi-sectoral framework and standard operating procedures to facilitate whole-of-ASEAN preparedness and responses to future public health emergencies.

## COOPERATION WITH EXTERNAL PARTNERS

All of ASEAN's dialogue and external partners have expressed and committed various support for the region's effort in addressing the COVID-19 pandemic and advancing comprehensive recovery, including through the COVID-19 ASEAN Response Fund and other pledges of vaccine doses to the region.

China, for example, has provided ASEAN countries, particularly Cambodia, Laos and Myanmar, with over 300 million doses of COVID-19 vaccines and a significant amount of emergency medical supplies<sup>14</sup>. In addition, China has announced a contribution of RMB20 million (US\$3 million) towards the ASEAN Plus Three Regional

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14. Xinhua. 26 October 2021. China, ASEAN join hands in fighting COVID-19, boosting economic recovery. ([http://www.xinhuanet.com/english/asiapacific/2021-10/26/c\\_1310269727.htm](http://www.xinhuanet.com/english/asiapacific/2021-10/26/c_1310269727.htm)).

Reserve of Medical Supplies for Public Health Emergencies<sup>15</sup>. Unlike other partners (particularly the Western countries) who chose to provide vaccines through multilateral COVID-19 facilities such as COVID-19 Vaccines Global Access (COVAX), China has chosen to provide bilateral assistance for greater visibility to the regional governments. In the *State of Southeast Asia 2022 Survey Report*, a majority of ASEAN respondents viewed that China had given the strongest COVID-19 vaccine support to their countries, with 57.8 per cent of respondents choosing this option. This was followed by the United States (23.3 per cent) and Australia (4.7 per cent)<sup>16</sup>.

China has also provided medical expertise to the region and has also expressed its commitment to developing a global COVID-19 data analysis platform to improve pandemic readiness in the region<sup>17</sup>. At the regional level, exchanges of the ASEAN-China Vaccine Friend have been held three times (October 2020, March 2021 and July 2021) to strengthen cooperation in information sharing, research and development, production and application of vaccines. ASEAN and China are also implementing the ASEAN-China Public Health Cooperation Initiative to enhance institutional capacity building to better cope with challenges from future public health emergencies<sup>18</sup>.

Other dialogue partners have also provided very significant support. The US has pledged US\$194 million in COVID-19-related assistance with over 40 million vaccine doses to the region. The US is also exploring the establishment of vaccine production and a vaccine hub in the ASEAN region and has launched the Center for Disease Control and Prevention (CDC) Regional office in Hanoi, Vietnam in August 2021<sup>19</sup>. Australia has expressed its commitment to providing the Indo-Pacific region with 60 million doses of vaccine by the end of 2022 and also made an additional pledge to share 10 million doses from its domestic supply with ASEAN countries by mid-2022. It has also provided AU\$83 million to implement the ASEAN-Australia “Partnership for Recovery” initiative and has pledged AU\$21 million for the ASEAN

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15. South China Morning Post. 28 October 2021. China pledges COVID-19 support, put focus on regional economy in ASEAN talks. (<https://www.scmp.com/news/china/diplomacy/article/3154047/china-pledges-covid-19-support-puts-focus-regional-economy>).

16. S. Seah et al. 2022. *The State of Southeast Asia 2022*. Singapore: ISEAS-Yusof Ishak Institute.

17. Ibid.

18. ASEAN Secretariat. Overview of ASEAN-China Dialogue Relations, updated on 24 November 2021. (<https://asean.org/wp-content/uploads/2021/11/Overview-of-ASEAN-China-Relations-24-Nov-2021.pdf>).

19. ASEAN Secretariat. Overview of ASEAN-US Dialogue Relations, updated as of November 2021. (<https://asean.org/wp-content/uploads/2021/11/Overview-of-ASEAN-US-Dialogue-Relations-as-of-26-November-2021-ERD2.docx.pdf>).

Centre for Public Health Emergencies and Emerging Diseases<sup>20</sup>. The EU has provided a “Team Europe” package of over EUR800 million to combat the spread of COVID-19 and mitigate its impact on the region, as well as an additional EUR20 million support programme on “South East Asia Health Pandemic Response and Preparedness”<sup>21</sup>.

Japan, likewise, has supported the establishment of the ASEAN Centre for Public Health Emergencies and Emerging Diseases through a US\$50 million donation. It has also provided over 16 million doses of vaccines and US\$200 million worth of medical supplies and equipment to ASEAN countries. In addition, Japan has set aside US\$2.5 billion worth of COVID-19 financial support loans to ASEAN countries and is working with ASEAN to implement over 50 projects under the Japan-ASEAN Economic Resilience Action Plan<sup>22</sup>.

ASEAN’s partners have provided much-needed multidimensional support in addressing the challenges of the COVID-19 pandemic. As the pandemic evolves, ASEAN will continue to work closely with its partners towards economic recovery and to build a more resilient and sustainable region.

## HOW DID ASEAN FARE?

ASEAN was criticised during the early stages of the pandemic outbreak as responses in individual ASEAN countries had been disjointed and uneven. While some countries like Singapore and Vietnam took swift actions with contact tracing and constant communication with the public, other countries like Indonesia and Malaysia lacked transparency and had an inadequate appreciation of the enormity of the problem<sup>23</sup>.

Despite ASEAN issuing various statements calling for solidarity in response to the COVID-19 pandemic, it seems that there was little coordination and unity of actions across ASEAN, with self-preservation being seen as the order of the day<sup>24</sup> –

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20. ASEAN. Chairman’s Statement of the 1st ASEAN-Australia Summit, 27 October 2021. (<https://asean.org/wp-content/uploads/2021/10/62.-FINAL-Chairmans-Statement-of-the-1st-ASEAN-Australia-Summit.pdf>).

21. ASEAN Secretariat. Overview of ASEAN-EU Dialogue Relations, updated on February 2022. ([https://asean.org/wp-content/uploads/2022/02/Overview-ASEAN-EU-DR\\_as-of-February-2022.pdf](https://asean.org/wp-content/uploads/2022/02/Overview-ASEAN-EU-DR_as-of-February-2022.pdf)).

22. Ministry of Foreign Affairs of Japan. Fact Sheet: Major Examples of Japan’s COVID-19 related Support to ASEAN, 27 October 2021. (<https://www.mofa.go.jp/files/100252718.pdf>).

23. Hoang Thi Ha. 31 March 2020. Covid-19 challenges Asean to act as one, Straits Times. (<https://www.straitstimes.com/opinion/covid-19-challenges-asean-to-act-as-one>).

24. Ibid.

from the closures of borders to the battle for vaccines. ASEAN countries were also seeking bilateral assistance from regional powers such as China or the US.<sup>25</sup>

Under Vietnam's chairmanship theme of "Cohesive and Responsive ASEAN" in 2020, ASEAN worked towards strengthening its resiliency. With over a dozen existing, new and upcoming initiatives as listed above, ASEAN's political commitments became increasingly clearer, especially concrete platforms and mechanisms for enhancing public health and providing cushions to soften further damages to the socio-economic aspects.

Two years on, the pandemic has not only served as a wake-up call for everyone but has also helped to strengthen regional cooperation among ASEAN member countries and partners. While this pandemic will pass in time, the need to be more ready for the next outbreak is clear<sup>26</sup>. ASEAN has learned the importance of enabling the organisation to move towards more structural and concrete approaches in preventing and controlling future emerging diseases. For instance, the ASEAN multi-sectoral pandemic preparedness and response framework together with an upcoming centre to address emerging and infectious diseases are forward-looking tangible outcomes for an organisation known to be slow in response and ineffective.

On the economic front, ASEAN has also learnt the lesson not to turn inwards or become protectionist. Instead, as a result of the COVID-19 pandemic, ASEAN has intensified cooperation on strengthening supply chain connectivity and resilience, accelerating digital transformation and advancing towards a more sustainable region.

## **Sub-regional and Bilateral Cooperation of ASEAN Member States**

ASEAN has boosted its solidarity<sup>27</sup> with each other bilaterally, particularly through the donation of personal protective equipment (PPE), test kits, ventilators and polymerase chain reaction machines<sup>28</sup>. Similarly, ASEAN countries are also extending a helping hand to each other in evacuating their citizens in various countries

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25. Shubhankar Kashyap et al. 2021. ASEAN's divided response to COVID-19, East Asia Forum, 12 November 2021. (<https://www.eastasiaforum.org/2021/11/12/aseans-divided-response-to-covid-19/>).

26. Choi Shing Kwok. 22 February 2021. A Year into the Pandemic, ASEAN Copes – And Hopes. Fulcrum. (<https://fulcrum.sg/state-of-se-asia-survey-a-year-into-the-pandemic-asean-copes-and-hopes/>).

27. Tommy Koh. ASEAN's Response to COVID-19: A Report Card by Tommy Koh. (<https://nus-covaid.com/academics-on-pandemics/aseans-response-to-covid-19-by-tommy-koh>).

28. Ibid.

hard hit by the pandemic, as well as by taking care of ASEAN citizens stranded in the respective ASEAN member states. Most ASEAN countries also agreed to ensure the continuity of trade, supply chain, and business activities despite border restrictions hampering people's ability to travel.

### *Singapore-Malaysia*

Singapore and Malaysia are two of the most connected countries, geographically and economically, in ASEAN. When Malaysia announced the closure of the borders of the whole country to curb the spread of the coronavirus in March 2020, economic activities between the two countries were temporarily disrupted. This sparked panic buying among Singaporeans who were afraid that the border closure would prevent fresh produce from making its way to Singapore.<sup>29</sup> However, through the efforts of both governments, supply chain connectivity between the two countries was not hard-hit.<sup>30</sup>

Many of the Malaysians working in Singapore decided to stay in Singapore as border restrictions and quarantine requirements made it difficult for them to commute back to their homes. As their roles are essential to keeping Singapore's economy running, the Singapore government agreed to provide housing assistance for them in the city-state, including providing financial support for companies to house their affected workers.<sup>31</sup>

Malaysia, on the other hand, helped to evacuate eight Singaporeans safely from Tehran, Iran when COVID-19 hit the country severely in March 2020.<sup>32</sup> Malaysia also accepted Singapore's request to help to repatriate 22 Singaporean citizens from Nepal.<sup>33</sup>

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29. Pearly Neo. 18 March 2020. Malaysia in Lockdown: COVID-19 Reignites Food Supply Fears in Singapore despite Government Reassurance. Foodnavigator-Asia.Com. (<https://www.foodnavigator-asia.com/Article/2020/03/18/Malaysia-in-lockdown-COVID-19-reignites-food-supply-fears-in-Singapore-despite-government-reassurance>).

30. See Kit Tang. 18 March 2020. Food Supplies Still Coming, but Other Singapore Firms Brace for Disruptions from Malaysia's Shutdown. CNA. (<https://www.channelnewsasia.com/business/coronavirus-malaysia-shutdown-food-supplies-disruptions-773096>).

31. Clement Yong. 17 March 2020. Coronavirus: S'pore Govt Looking to Help Firms That Need to Urgently House Workers Hit by Malaysia Lockdown. The Straits Times. (<https://www.straitstimes.com/singapore/coronavirus-singapore-government-looking-to-give-financial-help-to-companies-that-need-to>).

32. Channel News Asia. 22 March 2020. COVID-19: Eight Singaporeans Evacuated from Iran on Flight Arranged by Malaysia. CNA. (<https://www.channelnewsasia.com/singapore/singaporeans-evacuated-from-iran-malaysia-kl-quarantine-covid-19-774016>).

33. Sulaiman Daud. 5 April 2020. S'poreans evacuated from Nepal arrive safely back home thanks to M'sia govt. Mothership. (<https://mothership.sg/2020/04/singaporeans-nepal-malaysia-flight/>).

### *Singapore-Indonesia*

When border measures were imposed by Indonesia and Singapore at the beginning of the pandemic, people's mobility between the two countries was disrupted. However, when the spread of the virus started to subside, both countries quickly established a Reciprocal Green Lane (RGL) to facilitate business and official travel between the two countries in October 2020, signifying the importance of economic relations between the two countries.<sup>34</sup>

When the Delta variant of COVID-19 escalated into a health crisis in Indonesia in June 2021, Singapore provided medical supplies and equipment, including oxygen cylinders, oxygen concentrators, ventilators and personal protective equipment such as surgical and N95 masks, gloves, and gowns, to support Indonesia's efforts to combat the COVID-19 pandemic.<sup>35</sup> Through the Temasek Foundation International, a non-profit organisation under the state's sovereign fund, Singapore recently donated S\$18.8 million worth of medical supplies and equipment to help Indonesia fight against a surge of cases driven by the Omicron variant.<sup>36</sup>

### *Vietnam-Cambodia-Laos*

Vietnam and Cambodia reciprocally cooperated with each other during the course of the pandemic. In May 2021, Vietnam donated medical equipment, testing kits, and medical masks to Cambodia.<sup>37</sup> Cambodia, in return, donated hundreds of thousands of doses of the Sinopharm vaccine to Vietnam in October 2021.<sup>38</sup>

The cooperation between the two countries and Laos continues to strengthen. In March 2021, the leaders of the three countries met virtually to boost cooperation against the COVID-19 pandemic, such as an agreement to resume international

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34. ASEAN Briefing.

35. Ministry of Foreign Affairs, Singapore. 2021. Handover of Assistance to Support Indonesia's Efforts to Overcome COVID-19, 9 July 2021. (<https://www.mfa.gov.sg/Newsroom/Press-Statements-Transcripts-and-Photos/2021/07/20210709-assistance-to-indon>).

36. Linda Yulisman. 21 February 2022. Singapore Gives Indonesia over \$18.8m Worth of Equipment, Medical Supplies to Battle Omicron Wave. The Straits Times. (<https://www.straitstimes.com/asia/se-asia/singapore-gives-indonesia-s188m-worth-of-equipment-medical-supplies-to-battle-omicron-wave>).

37. Uch Leang. 20 December 2021. Strengthening Cambodia-Vietnam Relations in the Context of Covid-19 Pandemic. Khmer Times. (<https://www.khmertimeskh.com/50992130/strengthening-cambodia-vietnam-relations-in-the-context-of-covid-19-pandemic/>).

38. Ibid.

flights, the easing of the entry of people and goods via border checkpoints, and long-term cooperation to enhance trade and infrastructure connectivity.<sup>39</sup>

### *Thailand-Myanmar*

Prior to the military coup in Myanmar in 2021, Thailand and Myanmar had collaborated closely in managing health responses between the two countries. Thailand assisted Myanmar in facilitating the repatriation of Myanmar nationals affected by COVID-19 back to Myanmar. The two countries discussed the possibility of extending the expired work permits of Myanmar workers who wished to continue working in Thailand during the COVID-19 pandemic as well as addressed cross-border issues between the two countries.<sup>40</sup>

Interestingly, despite the military coup hampering health responses in Myanmar, Thailand's support to Myanmar remained unwavering. In fact, Thailand was one of the most active ASEAN member states who actively sought assistance from ASEAN's dialogue partners to mitigate the health and humanitarian crises resulting from the military coup in Myanmar. For instance, the United States and Thailand were considering the provision of joint humanitarian aid to Myanmar via the country's border with Thailand.<sup>41</sup>

## **REOPENING OF BORDERS IN ASEAN**

As ASEAN countries continue to make good progress in their national vaccination programmes, many of its leaders are urging ASEAN to expeditiously work towards the reopening of borders. This will accelerate ASEAN's economic recovery, revive regional connectivity, expedite essential business travels and, ultimately, allow

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39. [greatermekong.org](https://greatermekong.org). 30 March 2021. Cambodia, Lao PDR, Viet Nam Leaders Vow to Boost Cooperation against COVID-19 and Strengthen Trade. Text, Greater Mekong Subregion (GMS) (blog). (<https://greatermekong.org/cambodia-lao-pdr-viet-nam-leaders-vow-boost-cooperation-against-covid-19-and-strengthen-trade>).

40. Minister of Foreign Affairs, Kingdom of Thailand. 2020. Prime Minister of the Kingdom of Thailand discussed with State Counsellor of Myanmar over the phone on cooperation on COVID-19, labour, trade and investment promotion and cross-border issues. (<https://www.mfa.go.th/en/content/pmmyanmar061163-2?cate=5d5bcb4e15e39c306000683e>).

41. Sebastian Strangio. 21 October 2021. US, Thailand Mull Crossborder Myanmar Aid Delivery Plan – The Diplomat. The Diplomat. (<https://thediplomat.com/2021/10/us-thailand-mull-crossborder-myanmar-aid-delivery-plan/>).



tourism to resume – a sector that accounts for over 14 per cent of ASEAN's combined GDP<sup>42</sup>.

In the past two years, ASEAN countries have primarily focused their efforts on domestic regulations and control measures in a siloed manner and this has resulted in a disparate patchwork of COVID-19 responses. ASEAN has now agreed to step up cooperation and coordinate more closely to ensure the gradual and steady reopening of the region, for fear of being left behind, including in the global competition for tourism dollars<sup>43</sup>.

The 25th Meeting of ASEAN Tourism Ministers held in Cambodia this January agreed to announce the reopening of ASEAN tourism so as to revitalise the sector. Leaders in ASEAN have also been urging its member states to operationalise the ASEAN Travel Corridor Arrangement Framework, so as to expedite the reopening of borders to facilitate essential and official travel among ASEAN countries.

Although the framework has yet to be materialised due to limited reciprocal openings between ASEAN countries, ASEAN tourism ministers are hoping that the travel corridor arrangement will serve as a foundation for expansion beyond essential travel to include leisure travel. This will help to position ASEAN as a single tourism destination by 2025 and ensure that it remains competitive in this sector, particularly post-pandemic<sup>44</sup>.

Despite the measures that ASEAN has put into play, challenges remain. Southeast Asia was acknowledged as the region with “the most travel restrictions in the world” by the World Tourism Organisation. Low inoculation rates in countries like the Philippines and Myanmar and strict travel restrictions in countries like Brunei and Laos will continue to hinder the reopening of ASEAN borders as a bloc. Furthermore, Chinese tourists and businesses, which account for a significant number of visitors, may not return to pre-pandemic days due to China's outbound travel restrictions. Travelling for any type of visitors will be met with elaborate obstacles such as coronavirus testing, lack of direct flights and constantly changing regulations<sup>45</sup>.

As such, while ASEAN countries are looking forward to the operationalisation of its initiatives, such as the ATCAF, ultimately, success depends on several factors, including entry procedures, quarantine restrictions and air connectivity.

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42. Joanne Lin. 27 January 2022. Tourism in ASEAN: The Need to Turn Dreams into Reality, Fulcrum. (<https://fulcrum.sg/tourism-in-asean-the-need-to-turn-dreams-into-reality/>).

43. Ibid.

44. Ibid.

45. Ibid.

ASEAN countries are now in various stages of reopening through the establishment of bilateral travel arrangements, which are much more pragmatic. Singapore, which had previously established Vaccinated Travel Lanes with low-risk countries, will finally reopen fully to vaccinated travellers on 1 April 2022. Indonesia, Cambodia, Philippines, Thailand and Vietnam have already introduced the same measure. Several other ASEAN countries, including Malaysia and Myanmar, are expected to follow suit. Laos is also expected to reopen several cities under a new “Green Zone Travel” strategy.

## CONCLUSION

Over the course of the pandemic, ASEAN has instituted various efforts on the health, economic, and social fronts. Most importantly, the regional body attempted to enhance coordination across sectors and pillars and helped to maintain the momentum in operationalising the new health initiatives at the same time.

Cooperation at the regional level and with dialogue partners has also been enhanced, partly due to the increasing confidence of ASEAN countries in managing the pandemic, which is turning into an endemic disease that is less life-threatening and may be managed like a common flu. The face-to-face meeting of ASEAN foreign ministers in February this year in Phnom Penh, Cambodia and commitments to reopen borders are other testimonies of ASEAN’s willingness to slowly restore its activities and cooperation to those of pre-pandemic level, albeit with health measures. Meanwhile, bilateral and sub-regional cooperation continues to emerge as crisis responses for mitigating urgent threats and complementing the regional initiatives.

Moving forward, ASEAN must be prepared to adapt and respond to the rapid viral evolution of the COVID-19 virus as well as future pandemics. Whether ASEAN is ready or not, concerted efforts to safely reopen borders and revive the regional economy will be of utmost importance.

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# Western State-Building and the Return of the Taliban: Has the Liberal International Order Finally Collapsed?

*Zachary Paikin and James Moran*

## INTRODUCTION

The US withdrawal from Afghanistan last summer and the rapid fall of the country to Taliban forces shocked most Western observers. A regime that had been nurtured by Western economic, political and military support for two decades had collapsed in a matter of days. Even the USSR-backed Najibullah government had managed to survive for three years after the withdrawal of Soviet forces.

Yet the Taliban's return to power is emblematic of a profound shift in global politics. This shift has been categorised most famously in two different fashions, one material and one normative. The material shift is one from unipolarity to multipolarity. Unlike in the immediate aftermath of the Cold War when the United States was left as the world's only remaining superpower, Washington today has near-peer competitors in Beijing and Moscow, even if its military might remains well ahead of both. And while Russia may no longer be a rising power in the traditional sense, both countries retain the ability to check the use of American power in their own backyards and to affect Washington's strategic calculations. The United States no longer encourages China to become a "responsible stakeholder" in the international system – words made famous in 2005 by US Deputy Secretary of State Robert Zoellick – designating it instead as a "rival power" in its 2017 National Security Strategy.<sup>1</sup> As their relative power has increased, Russia, China and India have grown able to exert greater influence in their own regions – including in Afghanistan. The end of unipolarity means that Washington now struggles to influence events decisively in landlocked Central Eurasia, with some advocating that as a naval power the US should adopt a strategy of offshore balancing (i.e., checking the influence of

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1. National Security Strategy of the United States of America. December 2017. (<https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>).

rival powers by relying more on regional partners than on the direct deployment of US forces).<sup>2</sup>

This material dynamic is accompanied by a normative one: challenges to liberal internationalism and multilateralism. In this context, the terms “liberal international order” and “rules-based order” are often used interchangeably. Moreover, the historical confluence of these two terms with an era of American power has often led many to conceive of US leadership as a key pillar of the contemporary international order. As such, (1) unipolarity, (2) liberalism and (3) rules-based cooperation are often held as synonymous in the Western mind, with a common refrain positing that Washington, albeit with a little help from its likeminded European friends, forged a liberal international order rooted in rules-based institutions in the wake of World War II. Beyond the fact that it is anachronistic, with the term “liberal international order” having hardly been used during the Cold War,<sup>3</sup> such a perspective obscures more than it clarifies, ignoring the complexities and differences between these separate (albeit interrelated) phenomena.

## THE “LIBERAL INTERNATIONAL ORDER”

The powers traditionally viewed as the respective hegemon of the 19th and 20th centuries were both liberal, Anglo-Saxon countries: Great Britain and the United States of America. This is perhaps what led John Ikenberry to conceive of the past 200 years as the “liberal ascendancy”.<sup>4</sup> Yet while both countries were, to a significant extent, naval powers by virtue of their geography, some theories of international relations contend that the most powerful states in the international system are in fact land powers.<sup>5</sup> Both the UK and US had to contend with major land powers in France, Russia and the Soviet Union, suggesting that the Anglo-Saxons were not the only authors of international order in their era. Both the Soviet Union and China were founding members of the United Nations – supposedly a leading institution of

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2. John J. Mearsheimer and Stephen M. Walt. 2016. The Case for Offshore Balancing: A Superior U.S. Grand Strategy. *Foreign Affairs*, July/August 2016. (<https://www.foreignaffairs.com/articles/usa/2016-06-13/case-offshore-balancing>).

3. Thomas Wright. 12 September 2018. The Return to Great-Power Rivalry Was Inevitable. *The Atlantic*. (<https://www.theatlantic.com/international/archive/2018/09/liberal-international-order-free-world-trump-authoritarianism/569881/>).

4. G. John Ikenberry. 2018. The end of liberal international order? *International Affairs*, Vol. 94, no. 1 (2018), pp. 7-23.

5. John J. Mearsheimer. 2001. *The Tragedy of Great Power Politics*. New York, NY: W.W. Norton, pp. 83-137.

the liberal order – while Western P5 nations such as the UK and France, not exactly embodying liberal values, sought unsuccessfully to preserve their colonies after the Second World War. Thus, the notion of a single, uniform liberal international order does not easily pan out.

Beyond the character of the actors in the international system, the structure of that system also impeded the advent of a liberal order of global scope until relatively recently. In the 19th century, the world was not characterised by sovereign equality but rather an imperial core and a colonial periphery, even if the geographic scope of international relations by then had become planetary. During the Cold War, the world was divided into separate blocs – in effect, two competing international orders each operating according to its own norms and dynamics. It was only when the power of the US became unchallenged in the 1990s, with the appearance of what John Williamson termed the “Washington Consensus”,<sup>6</sup> that a truly global order of sovereign states was formed.<sup>7</sup> Yet beyond its scope, the character of the order remained in question. As Michael N. Barnett puts it, the international order “got closer to having a liberal quality but never quite passed the threshold”.<sup>8</sup> Or as Richard Sakwa contends, the West adopted “some sort of tutelary relationship” with the rest of the world,<sup>9</sup> which is not akin to the successful entrenchment of a liberal order of universal scope.

Part of the difficulty stems from the confusion of US dominance with both liberalism and multilateralism. The latter two terms are also often conflated, with rules-based institutions providing incentives for interstate cooperation in liberal international relations theory. As such, three historical developments made it possible to claim that a liberal world order had emerged: the creation of a post-war rules-based order in the form of the United Nations, the advent of a universal order of sovereign states after decolonisation, and the rise of the United States to the status of “indispensable nation”. The erroneous assumption that a global order rooted in liberal values, rules-based cooperation and US hegemony had emerged led to several conclusions that were off the mark.

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6. John Williamson. The Strange History of the Washington Consensus. *Journal of Post Keynesian Economics*, Vol. 27, no. 2 (Winter 2004-05), pp. 195-206.

7. Parag Khanna. 2019. *The Future Is Asian: Commerce, Conflict, and Culture in the 21st Century*. New York, NY: Simon & Schuster, p. 2.

8. Michael N. Barnett. 16 April 2019. The End of a Liberal International Order That Never Existed. *The Global*. (<https://theglobal.blog/2019/04/16/the-end-of-a-liberal-international-order-that-never-existed/>).

9. Richard Sakwa. 2017. *Russia Against the Rest: The Post-Cold War Crisis of World Order*. Cambridge: Cambridge University Press, p. 42.

For instance, some elements of the post-Cold War order proved more resilient than others when subjected to pressure. Recent years have demonstrated that multilateral institutions, while undoubtedly facing various challenges, have remained a largely robust means of facilitating interstate cooperation. Even adversaries of the West have developed formal institutional bodies of their own, such as the Asian Infrastructure Investment Bank proposed by China, the Shanghai Cooperation Organisation, and the Russian-backed Eurasian Economic Union (admittedly little more than a bona fide customs union). By contrast, other alleged components of the order have been revealed to have less than universal support. Free trade, supposedly a pillar of the liberal order, has come under attack as America turns protectionist on both sides of their political aisle, China resists complete economic reciprocity despite external pressure, and Russia fears being unable to compete with other economies. US global leadership has also proven never to have been a fully accepted pillar of the post-Cold War order, with its legitimacy coming under strain in an era marked by great power rivalry.

However, beyond the values, goals and leadership structures that have nominally formed part of the Western conception of liberal order, there is also the more basic question of its more elementary pillars, such as who qualifies for membership in the order. The primary actors in the contemporary order are sovereign states, albeit with one prominent exception, namely the EU, which acts in its own right on the basis of pooled sovereignty (hence its membership of key groups like the G7 and G20). Such states are a form of political organisation which originated in Europe but eventually spread to encompass the entire globe in the decades after World War II. The sovereign state is a decidedly modern phenomenon. Although traditionally considered to have been birthed at the 1648 Treaty of Westphalia, the reality is that an international order composed of sovereign states recognisable from today's vantage point did not emerge until after the Napoleonic Wars.<sup>10</sup> In hindsight, after Westphalia it may have become clear that the future would belong to sovereign states, but some medieval traits nonetheless persisted in the structure of European political relations.<sup>11</sup> For instance, national survival in the modern European state system was to a significant extent contingent upon the preservation

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10. See Benno Teschke. 2003. *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations*. London: Verso. Also see Adrian Pabst. 2018. *Liberal World Order and Its Critics: Civilisational States and Cultural Commonwealths*. Abingdon: Routledge, pp. 63-98 and Jens Bartelson. 1995. *A Genealogy of Sovereignty*. Cambridge: Cambridge University Press, pp. 137-9.

11. Daniel Philpott. 2001. *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*. Princeton, NJ: Princeton University Press, p. 75.



of a balance of power. Yet the upholding of a “continuous mobile equilibrium” rather than a mere anti-hegemonial concept was not achieved until after the 18th-century Treaty of Utrecht, by which point it had become clear that no single state – whether France or the Holy Roman Empire – would prove singularly dominant.<sup>12</sup> Simply put, the modern nation state has only been present – and hegemonic – in international affairs for a very short period. As some scholars have noted, the sovereign state as a form of political organisation has not always existed, and although it may be demonstrating its resilience in the face of post-Cold War pressures of international integration and intervention, nothing is forever.<sup>13</sup>

## THE DECLINE OF US HEGEMONY AND FUTURE OF CENTRAL EURASIA

The failure of American state-building efforts in landlocked Central Eurasia illustrates the limits to modern statehood’s universality as a norm. While this does not allow us to make any specific predictions concerning the future of political governance in Afghanistan in particular, it nonetheless shows that the emerging international order will feature a non-negligible degree of normative pluralism. This is not to say that non-Western actors reject established international norms in their entirety; rather, it merely confirms that there will not be a single and uniform order of global scope rooted in liberal values and Western political structures. And while liberal values certainly do not hold universal appeal across the globe, even more universally held norms such as the sovereign state face certain limits as well. Efforts to spread certain sets of values or erect modern political structures in places with limited historical application are both attempts at norm diffusion on the part of Western states. Neutral-sounding terms such as the “rules-based international order” may encourage certain Western governments to believe in the universality of the norms that they promote. But the reality is that norms are inherently political: the question of *what* norms and *whose* norms should apply is unavoidable in international relations.

Launched at the height of US global primacy, the end of the war in Afghanistan after two decades certainly marked a watershed moment in post-Cold War histo-

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12. Adam Watson. 1992. *The Evolution of International Society: A Comparative Historical Analysis*. Abingdon: Routledge, pp. 198-201.

13. Charles Tilly. 1990. *Coercion, Capital and European States, A.D. 990 – 1992*. Hoboken, NJ: Wiley Blackwell, p. 227.

ry.<sup>14</sup> That said, it was not the first instance in which the fragility of states was made clear. The 1990s were obviously filled with no shortage of bloodshed in places such as Somalia, Rwanda, the Democratic Republic of the Congo and the western Balkans, although it may have been easy to dismiss some of these instances as the re-emergence of “ancient hatreds” after the end of the Cold War’s ideological confrontation. A clearer manifestation came during the Arab Spring, when states such as Syria and Libya which did not embody ancient polities (unlike Egypt) effectively collapsed in the face of popular opposition and civil war.<sup>15</sup> Iraq was another similar example, albeit one which predated the Arab uprisings of 2011. The US- and UK-led invasion of Iraq was launched just over a year after the intervention in Afghanistan and in the immediate wake of NATO’s expansion into Central Europe. As such, in early 2003, the challenges of the long-term Allied commitment to Afghanistan had not yet become apparent, while a select number of former Warsaw Pact countries appeared to demonstrate that it was possible to build the foundations of a market economy and integrate successfully into the West.

The difficulties of state-building in Iraq are now well documented, with the country descending into civil war less than three years after Saddam Hussein was deposed. By the middle of the first decade of the new millennium, prominent American analysts and former state officials were already contending that the US had squandered its period of global leadership, which had only been inaugurated a decade and a half earlier.<sup>16</sup> Yet the US continued to enjoy a period of unchallenged primacy until the Great Recession of 2008, which not only reduced Washington’s relative economic clout in comparison with Beijing but also spelled the end of the unrivalled legitimacy of US leadership on matters of global governance.<sup>17</sup> Yet while the Russo-Georgian war occurred during the same year, the US-Russia reset at the outset of the Obama administration delayed any explicit challenge to American hegemony in the realm of political and security norms, with Dmitry Medvedev’s presidency effectively representing Moscow’s final attempt to build a constructive relationship with the West. NATO’s 2011 military intervention in Libya was one of

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14. Zachary Paikin. 31 August 2021. Historical parenthesis? Afghanistan, EU foreign policy, and the future of the liberal order. Centre for European Policy Studies. (<https://www.ceps.eu/historical-parenthesis/>).

15. See Robert D. Kaplan. 2013. *The Revenge of Geography: What the Map Tells Us About Coming Conflicts and the Battle Against Fate*. New York, NY: Random House.

16. See Zbigniew Brzezinski. 2007. *Second Chance: Three Presidents and the Crisis of American Superpower*. New York, NY: Basic Books.

17. Marcin Kaczmarek. 2015. *Russia-China Relations in the Post-Crisis International Order*. Abingdon: Routledge, pp. 116-7.

the events that changed this, with Russia viewing the outcome of regime change as an abuse of the humanitarian mandate provided by the UN Security Council.<sup>18</sup> Vladimir Putin's return to the Kremlin in 2012 recast Russia as a decidedly non-Western power, while the features of Moscow's subsequent 2015 military intervention in Syria revealed a preference for an illiberal order over Western-backed principles of human security. Russia's invasion of Ukraine earlier this year is a grim reminder of that approach.

The revival of outright contestation between Russia and Western states following the 2013-14 Euromaidan revolution in Ukraine was accompanied (albeit slightly predated) by a nominal Russian "pivot to the East". The two most visible manifestations of this pivot were the Eurasian Economic Union (EAEU) and a vaguer vision of a "Greater Eurasia". The former project, although initially directed toward offering Ukraine an alternative to signing an Association Agreement with the European Union, has been centred largely on economic integration in post-Soviet Central Asia, while the latter incorporates into its model the Sino-Russian strategic partnership. Moscow and Beijing have also pledged to harmonise their signature initiatives: the EAEU and the Belt and Road Initiative (BRI). Four of the BRI's six economic corridors pass through Russia, Central Asia or Southcentral Asia.<sup>19</sup> Taken together with the geographic scope of the Shanghai Cooperation Organisation, which now encompasses not only Central Asian states but also India and Pakistan, much of the locus of the contemporary Sino-Russian strategic partnership is clearly found in Central Eurasia. As such, the erosion of US global hegemony – material but also normative – should be most immediately visible in the shared neighbourhood of these regional powers.

Several overlapping interpretations have been advanced of US policy toward the post-Soviet space following the end of the Cold War. These have been described as the pursuit of "geopolitical pluralism" by seeking to prevent the re-emergence of a unified continental hegemon,<sup>20</sup> or the abandonment of Washington's containment-era strategy of offshore balancing in favour of a more active pursuit of US

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18. Roy Allison. 2013. *Russia, the West, and Military Intervention*. Oxford: Oxford University Press, pp. 193-6.

19. State Council Information Office of the People's Republic of China. 4 August 2020. What are six economic corridors under Belt and Road Initiative? ([http://english.scio.gov.cn/beltandroad/2020-08/04/content\\_76345602.htm](http://english.scio.gov.cn/beltandroad/2020-08/04/content_76345602.htm)).

20. Samuel Charap. 7 February 2022. How to Break the Cycle of Conflict With Russia. *Foreign Affairs*. (<https://www.foreignaffairs.com/articles/russia-fsu/2022-02-07/how-break-cycle-conflict-russia>).

hegemony in continental Eurasia.<sup>21</sup> Yet as the post-Cold War decades have gone on, US relative influence and connectivity plans in the region have declined, with the US withdrawal from Afghanistan marking a symbolic culmination and passing of the baton to local actors (most prominently China's BRI) taking the lead.<sup>22</sup>

One could argue that geopolitical pluralism remains in Central Eurasia by virtue of Russia and China's competing integration initiatives. However, there remains a question as to how competitive these initiatives really are, even if pledges to harmonise them may remain lacking in detail. For one, as a customs union and common economic space, the EAEU is "spatial" in its logic, whereas the BRI's purpose is more "functional" and focuses on connectivity.<sup>23</sup> As such, there is room to view the projects as complementary rather than contradictory. Moreover, states balancing against one another is not necessarily incompatible with them forging a partnership, and while the two initiatives may be competitive they nonetheless share the overarching goal of boxing the US and the West out of the region.<sup>24</sup> Some scholars have noted a conceptual difference between the form of "hedging" which Moscow undertakes against Beijing's rise and the more intense behaviour of "balancing" in which it engages vis-à-vis Washington.<sup>25</sup> And while there may be limits to the extent that Moscow and Beijing have conceptually elaborated upon their common vision for the international order beyond basic principles,<sup>26</sup> recent scholarship has elaborated upon why it is possible to conceive of the Sino-Russian entente as "thick" and replete with normative content even in the absence of European-style integration.<sup>27</sup>

Therefore, one can confidently assert that some form of Sino-Russian consolidation of Central Eurasia has occurred. Whether this has produced multipolarity at the global level remains uncertain, given the continued military and economic

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21. Glenn Diesen. 2018. *Russia's Geoeconomic Strategy for a Greater Eurasia*. Abingdon: Routledge, p. 36.

22. Moritz Pieper. 2022. *The Making of Eurasia: Competition and Cooperation between China's Belt and Road Initiative and Russia*. London: I.B. Tauris, p. 91.

23. Marcin Kaczmarek. 19 August 2019. *Russia-China Relations in Central Asia: Why Is There a Surprising Absence of Rivalry?* Open Forum. (<https://theasanforum.org/russia-china-relations-in-central-asia-why-is-there-a-surprising-absence-of-rivalry/>).

24. Diesen, *Russia's Geoeconomic Strategy*, pp. 28 & 98.

25. Alexander Korolev. 2016. *Systemic Balancing and Regional Hedging: China-Russia Relations*. *The Chinese Journal of International Politics*, Vol. 9, no. 4 (2016), pp. 375-97.

26. Andrey Kortunov. 6 June 2019. *Who Will Build the New World Order?* Russian International Affairs Council. (<https://russiancouncil.ru/en/analytcs-and-comments/analytcs/who-will-build-the-new-world-order/>).

27. Zachary Paikin. 2021. *Through thick and thin: Russia, China and the future of Eurasian International Society*. *International Politics*, Vol. 58, no. 3 (2021), pp. 400-20.

pre-eminence of the United States. But it has nonetheless resulted in normative pluralism. Indeed, the global balance of power did not shift overnight after the 2014 Russian annexation of Crimea and intervention in Donbas, but the effects of Moscow overtly challenging the West – rather than seeking to join it – have had an impact on the world’s normative equilibrium, gradually ushering in an era of great power rivalry and asymmetric (and seemingly unstable) competition. Whether this consolidation of Central Eurasia by illiberal powers will bring consequences for liberal normative undertakings in other theatres which also feature weak states, notably Ukraine, is still to be determined. The eventual outcome of the war there may provide a key metric for that. In the interim, a more detailed evaluation of the challenges – and failures – of Western-led state-building in Afghanistan is warranted.

## THE SHORTCOMINGS OF STATE-BUILDING EFFORTS IN AFGHANISTAN

The Western intervention in Afghanistan began with the US-led military operation following the attacks of 11 September 2001. After the first Taliban government was vanquished in late 2001, a huge effort followed in terms of the quantity of civilian aid that poured in from the West. World Bank data on net official development assistance and official aid received by Afghanistan (in current US dollars) from 2001 to 2019 cites a figure of \$77 billion, around half of which was allocated through multilateral channels, primarily the UN.<sup>28</sup> Considerably more than that was given as military assistance. The US alone spent at least some \$91 billion on that, and this figure does not account fully for all Pentagon spending on operations there.<sup>29</sup> In all, this country of some 40 million has been far and away the top recipient for Western aid for the last twenty years. Why those massive inflows seemingly made so little enduring difference to political stability and security, not to mention democratisation, the rule of law, economic prosperity and the protection of human rights – prime objectives of all Western actors involved in the operation – is a question that many have understandably been asking since the collapse of the Ghani administration in August 2021 and the Taliban’s subsequent return to power. There

28. The World Bank. Net official development assistance and official aid received (current US\$) – Afghanistan. (<https://data.worldbank.org/indicator/DT.ODA.ALLD.CD?locations=AF>).

29. USA Facts. 3 September 2021. How much did the US spend in aid to Afghanistan? USA Facts. (<https://usafacts.org/articles/how-much-did-the-us-spend-in-aid-to-afghanistan/>).

is too little space here to attempt a comprehensive answer, although the main fault lines now appear evident.

With the rapid military success of Operation Enduring Freedom, the Western attempt to build a sustainable Afghan state was, throughout, coloured by a heavy military involvement. “No security without development, no development without security” was the mantra at the time, but it was almost always the “security” aspect that received the most attention. This was to an extent understandable, given the failure of the US-led International Security Assistance Force (ISAF) coalition to control the insurgency in large swathes of the country, but it led to an approach that confined the international development community to a series of iron-clad “bubbles”, such as were provided by the Provincial Reconstruction Team (PRT) military installations, where they laboured largely in isolation from the communities that were supposed to benefit from the various programmes that were being funded. Many experts would spend months at the PRT without ever leaving for the field. With pressure from Western donors to disburse the huge amounts of aid being committed, projects were sometimes identified, appraised and funded without any real contact with the people and places where they were situated. Wastage was high, with funds often misappropriated and equipment lying idle for lack of training. Worse, assets such as vehicles often fell into the hands of the Taliban and other insurgents. In hindsight, things might have been different if more serious attention had been paid to state building at the provincial and local level, especially in the early days after 2001 when the Taliban was in disarray and when, arguably, the population might have been more accessible and receptive.

As it was, the main focus – and by far the greatest support – went into building central governance and institutions, with little effort being made to devolve powers to the thirty-four provinces. This was especially important in a country as ethnically divided and underdeveloped as Afghanistan, where loyalties to the “state”, such as it is, have always been feeble. Again, this centralised approach resulted partly from the fact that it was much easier for Western donors to operate in Kabul and some of the other main cities, where security was relatively assured. It also reflected the military-inspired “command and control” mentality that became entrenched in the civilian international community at the time, dependent as it was on the ISAF operation. While progress (at least up until the Western withdrawal) was made in some areas such as girls’ education and management of the country’s finances, the failure to stamp out democratic backsliding, corruption and mismanagement in Kabul – especially during the critical period when President Hamid Karzai was in power – resulted in deep cynicism in the country at large, a good part of which turned to the parallel local administration that the resurgent Taliban was able to build over

the last decade. Local democracy and governance programmes, including the UN's subnational governance effort and support for local elections, did receive backing (not least from the EU) but failed to achieve much traction, other than ending up strengthening tribal leaders and elites whose agendas were more concerned with bolstering their own aggrandisement.

The failures in Afghanistan will make the US extremely cautious about any future involvement beyond humanitarian assistance. Absent another 9/11, Washington can be expected to keep a healthy distance. As for the broader international community, and especially the EU, the shortcomings of the state-building operation there call for a profound re-evaluation of the complex relationship between security and development operations. If there is one key lesson to learn here, it is that however sophisticated its intentions – and, to be fair, many of the ISAF commanders had a good understanding of the civilian objectives of the operation – following a military mentality incurs a very high risk that the development operations will be overshadowed by it, to their detriment. Regarding recognition by the West of the “new” Taliban regime, this awaits concrete evidence that they are not wolves in sheep's clothing. Of course, the problem is that this will take time – and that is something that many millions of Afghans facing drought and famine do not have. So long as it is not possible to work fully with the Taliban authorities, humanitarian assistance efforts are bound to be stymied. While it seems that the UN and international NGOs have been able to find (albeit sub-optimal) ways of continuing their operations, mass starvation, renewed security threats and refugee outflows remain serious threats. Formal recognition by the West may be off the agenda for now, and with it the unfreezing of assets and lifting of other sanctions, but there is a strong case for a full response to the UN assistance appeal made in January 2022.

With another headstone being added to the “graveyard of empires” – a term admittedly at odds with much of the country's history over the past two millennia plus – many perceive the West's failure in Afghanistan as benefiting Russia and China, who by and large stood by while the Afghan story played out. Both have been nurturing contacts with the Taliban in recent months but will be wary about filling the vacuum that has emerged there. Both continue to worry about the export of terror to Xinjiang and the North Caucasus, whether from within Afghanistan or via its neighbours (notably Tajikistan). There has been talk of China involving Afghanistan in the BRI and investing further in the development of its natural resources, but past negative experience with Islamist extremism at its large copper mining operation at Aynak – the development of which remains stalled – has added to Beijing's caution. Russia's own (Soviet-era) headstone in that notorious graveyard is a sombre reminder to Moscow of the perils of getting too involved there.

## CONCLUSION

While there can be little disputing the fact that the withdrawal from Afghanistan marks a turning point in a changing world order, the prominence of recent events there in the broader global picture should also not be exaggerated. Those that argue that it was one of the factors that drove Putin to launch the invasion of Ukraine could, like the protagonist, eventually be found guilty of a serious miscalculation. The collapse of Western state-building efforts in Afghanistan may be a symbolic bookend to the era of US primacy, but it is more a reminder of the foregone nature of the liberal world order project than the cause of that project's demise.

Russia's failure to take Kyiv in a matter of days, combined with Chinese President Xi Jinping's instincts to steel his country for a long-term competition with the US, could lead to the consolidation of a world order rooted in rigid blocs. These blocs may not be ideological, given the hesitancy of some democracies such as Brazil and India to pick a side, but they are likely to feature a more strongly consolidated Sino-Russian entente facing off against a United States more strongly intent on getting its partners in Europe and Asia to fall in line. This is, of course, but one possible outcome. But the complexities inherent in governing the diverse lands spanning from Russia to China through Central Eurasia in between render it difficult to imagine the short-term advent of a liberal order of universal scope.

As Western states take stock of three decades of liberal order- and state-building and rethink the future place of liberalism in the international order, some aspects of their foreign and international development policies will need to be retooled. But technical fixes alone do not offer a panacea: it will also be necessary to internalise that liberalism and universalism are not identical, and therefore to envisage a form of universalism that is not necessarily rooted in Western hegemony.



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# Taiwan, the De Facto State: Towards a More Inclusive Multilateralism

*Jan Kliem*

## INTRODUCTION

The Republic of China's (ROC/Taiwan) existence in the global community is an objective reality. According to an early 20th-century definition of statehood by Austrian public lawyer Georg Jellinek, a state must have three elements – people, territory and the power of a government. While this basic theory of state is criticised today for not accounting for more complex scenarios (think about the European Union member states), one is hard-pressed to find a definition of statehood, old or new, that Taiwan does not meet. A more practical aspect grasping the de facto statehood of Taiwan is that citizens are issued their own, distinct passport, which, in 2022, ranks no less than in the top third of global passports' visa-free access for travel.<sup>1</sup> In addition, the Taiwan passport has last year been re-designed to emphasise that Taiwanese passports are indeed different from those issued on mainland China. The name "Taiwan" has been greatly enhanced while the size of the name "Republic of China" has been reduced. The president of Taiwan, Tsai Ing-wen, made no secret of the fact that the intention was to "make the international community more unable to ignore the existence of Taiwan".<sup>2</sup> Regardless, officially only 13 countries today (and the Holy See) recognise Taiwan diplomatically.<sup>3</sup> Further, Taiwan is kept outside of the United Nations (UN) and its related agencies despite having been a founding

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1. See The Henley Passport Index. 2022. (<https://www.henleyglobal.com/passport-index>). Accessed 4 March 2022.

2. Albeck-Ripka, L. 12 January 2021. On Taiwan's new passport, the incredible shrinking 'Republic of China'. Japan Times. (<https://www.japantimes.co.jp/news/2021/01/12/asia-pacific/china-taiwan-new-passport/>). Accessed 4 March 2022.

3. Republic of China Ministry of Foreign Affairs. 2022. Diplomatic Allies. (<https://www.mofa.gov.tw/en/AlliesIndex.aspx?n=DF6F8F246049F8D6&sms=A76B7230ADF29736>). Accessed 4 March 2022. Many more countries do maintain non-diplomatic ties.

and former permanent five United Nations Security Council (UNSC) member. In short, it is both precluded from benefiting as well as contributing to the world community and its most relevant multilateral institutions. The sole reason behind this is the insistence of the People's Republic of China (PRC) that there is only one China, that Taiwan is an inalienable part of it, and that only the government in Beijing has the right to legally represent all of China. Beijing does not see Taiwan as a country, but as a province of the PRC. A view described by Beijing as their *one-China principle*. This article will give brief historic context illuminating how Taiwan found itself in this position, what main factors keep it on the outside of multilateral institutions, and what some of the consequences are for both the people of Taiwan and the international community. The conclusion is that US Secretary of State Antony Blinken's recent statement that "Taiwan's meaningful participation in the UN system is not a political issue, but a pragmatic one"<sup>4</sup> is aspirational and a desirable account, but could hardly be further from the truth. The continuing exclusion of Taiwan at the behest of Beijing has real costs for Taiwan, the international community and even liberal democracy more widely. It harms the effectiveness and therefore credibility of multilateral institutions.

## HOW DID WE GET HERE?

To the casual observer the fact that a de facto nation state of the importance, size, economic prowess and liberal democratic credentials of Taiwan is largely barred from any meaningful participation in the most relevant international, multilateral organisations may seem baffling. After all, Taiwan's liberal democratic development is a clear success story with high regards for the rule of law, human rights and any of the values closely associated with the United Nations. The historical background that has led to this point, however, is rather straight-forward and can be outlined in its most basic terms in relative brevity:

Less than two decades after the founding of the Republic of China in 1912, the country was enmeshed in a protracted civil war. In addition to fighting the invading Imperial Japanese Army from the late 1930s until the end of World War II, the nationalist forces that ruled the ROC under Chiang Kai-shek's Kuomintang (KMT) also fought Mao Zedong's Chinese Communist Party (CCP) militia for power over all of China. Although not officially winning the civil war, the CCP forces managed to drive

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4. Blinken, A. 26 October 2021. Supporting Taiwan's Participation in the UN System, Press Statement. US Department of State. (<https://www.state.gov/supporting-taiwans-participation-in-the-un-system/>). Accessed 4 March 2022.

the KMT government from the mainland to the island of Taiwan where they themselves thought to be able to recuperate before eventually going back to winning the fight on the mainland. Buoyed by the momentum after driving out the KMT, in 1949, Mao founded the PRC and declared sovereignty over all (read: including Taiwan) of China. Taiwan under KMT leadership was in his view a renegade province which was in the near term to be integrated into the mainland. Since it was not under the control of the CCP when the PRC was founded, however, it is important to note that Taiwan has in fact never been under the jurisdiction of the People's Republic of China, nor has it ever been a part of PRC territory – a fact the official Beijing narrative likes to ignore when counter-factually calling for *re*-unification. The government of the KMT on the island of Taiwan, a brutally repressive and autocratic regime at first, over the decades developed into the liberal democracy that it is today, holding their first-ever free democratic presidential elections in 1996. The path it has chosen, though bloody and repressive towards the native Taiwanese population at times, led away from dreams of re-conquering the mainland and towards the *de facto* sovereign nation state that we have today. A reality that today's KMT has embraced. Developing its own identity, procedures and pathways, Taiwan slowly turned to the world of liberal democracies while the PRC to this day holds on to the historically false notion that Taiwan is an inalienable part of the People's Republic.

## UN RESOLUTION 2758

With the founding of the PRC in 1949, the representation of China at the UN became an issue as the ROC still held the UN seat albeit having been driven from the vast majority of its former territory. While one of the permanent five UN Security Council (UNSC) members, the Soviet Union, led efforts to have the PRC government recognised, the US was initially less keen on replacing the ROC with the PRC. Instead, they considered a solution in which the PRC would be recognised and replace the ROC at the UNSC, but the ROC would remain a member of the UN as well. As the PRC gained more and more international recognition, leading up to the big shift in US policy of recognising the PRC instead of the ROC (executed in 1979, but prepared by the Kissinger visit in July of 1971), the solution of having both governments recognised at UN level became less and less likely.

A key moment in Taiwan's history of participation in the international system arrived in the autumn of 1971. In October that year, the United Nations General Assembly (UNGA) adopted Resolution 2758 on the topic of the "restoration of the

lawful rights of the People's Republic of China in the United Nations".<sup>5</sup> The resolution replaced the Republic of China with the People's Republic of China as a member of the UNGA and as permanent member of the United Nations Security Council. While the resolution also expelled the ROC regime's representatives associated with leader Chiang Kai-shek from the United Nations and its related agencies, it did not include references to, or ruled out, any future ROC representation at the UN. However, just over fifty years later, Taiwan has yet to regain any meaningful participation in the UN or its related organisations.

The PRC continues to play a key role in constraining Taiwan's diplomatic relations and its international recognition. PRC officials claim – and again contrary to the historical facts – that any international recognition of Taiwan and its participation in any UN organisation would “violate” the 1971 resolution.<sup>6</sup> In a similar vein, even former UN Secretary General Ban Ki-Moon was quoted back in 2007 as saying that the resolution would make receiving an application for membership “legally impossible”.<sup>7</sup> In a press conference earlier that year with then governor of California Arnold Schwarzenegger, the Secretary General referenced the resolution as “clearly mentioning that the Government of China is the sole and legitimate Government and the position of the United Nations is that Taiwan is part of China.”<sup>8</sup>

While for other reasons than the resolution itself it may seem impossible, a quick look at the (very short) resolution itself reveals that based on that document, membership by Taiwan, let alone for the UN to receive such an application, is by no means impossible:

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5. United Nations Digital Library. 1972. Restoration of the lawful rights of the People's Republic of China in the United Nations. (<https://digitallibrary.un.org/record/192054?ln=en>). Accessed 4 March 2022.

6. Permanent Mission of the People's Republic of China to the United Nations. 1 May 2020. Remarks by Spokesperson of the Permanent Mission of the People's Republic of China to the United Nations on the Wrongful Comment on Taiwan by the Permanent Mission of the United States to the United Nations. (<https://www.fmprc.gov.cn/ce/ceun/eng/hyyfy/t1775657.htm>). Accessed 4 March 2022.

7. Worsnip, P. 19 September 2007. Ban says Taiwan's U.N. bid legally impossible. Reuters. (<https://www.reuters.com/article/us-taiwan-un-idUSN1843007620070918>). Accessed 4 March 2022.

8. United Nations. 27 July 2007. Secretary-General's press encounter with California Governor Arnold Schwarzenegger. (<https://www.un.org/sg/en/content/sg/press-encounter/2007-07-27/secretary-generals-press-encounter-california-governor-arnold>). Accessed 4 March 2022.

“The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering the restoration of the lawful rights of the People’s Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People’s Republic of China are the only lawful representatives of China to the United Nations and that the People’s Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People’s Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.”<sup>9</sup>

While the resolution recognises the government of the PRC to be the only lawful representatives of China, it does not speak to the ROC/Taiwan. The PRC’s UN seat is undisputed, but using the resolution as a legal basis for the exclusion of Taiwan is flawed to say the least.

## **FROM THE LEGAL ARGUMENT RIGHT DOWN TO THE PETTY**

In addition to the making of flawed legal arguments by supporters or defenders of Taiwan’s exclusion, there is more. And it is not pretty. One often repeated claim by PRC officials, for instance, refers to the fact that the inclusion of Taiwan, or even the discussion thereof, somehow “deeply hurts the feelings of 1.4 billion Chinese”.<sup>10</sup> It is unclear to this author how one would even begin to assess such a statement (often made by PRC officials in differing circumstances) in earnest, whether this includes ethnic Chinese on Taiwan or if their feelings matter less, or if any discussion on the participation of a de facto country could really have such a homogenous and

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9. See footnote 5.

10. Permanent Mission of the People’s Republic of China to the United Nations. 1 May 2020. Remarks by Spokesperson of the Permanent Mission of the People’s Republic of China to the United Nations on the Wrongful Comment on Taiwan by the Permanent Mission of the United States to the United Nations. (<https://www.fmprc.gov.cn/ce/ceun/eng/hyyfy/t1775657.htm>). Accessed 4 March 2022.

largely felt effect. Regardless, it is fair to assume that the people of Taiwan are hit harder by the effects of exclusion than the assumed 1.4 billion Chinese are by their hurt feelings. A case in point is the physical exclusion of Taiwanese passport holders from even entering official UN buildings, which has been reported by officials, journalists, and experts who had been invited as advisors to technical meetings, and even students who wished to visit the public gallery at the United Nations human rights office in Geneva.<sup>11</sup> According to “internal guidelines”<sup>12</sup> introduced by the UN Office of Legal Affairs, admission to the premises can only be allowed upon presentation of identification issued by one of the UN member or observer states. Previous rules that an identification must merely be recognised by other UN members had been changed to Taiwan’s detriment, leading to the absurd situation that a Taiwanese passport can be used to enter most UN member states’ territory, but not the UN headquarters in New York or other UN premises.<sup>13</sup>

A number of scholars and practitioners have established a connection between Taiwan’s shrinking space at the UN with increasing financial and human resources provided to the organisation by the PRC.<sup>14</sup> Last year, a record four out of the UN’s fifteen specialised agencies were led by Chinese nationals, but after both the International Civil and Aviation Organisation (ICAO) and the United Nations Industrial Development Organisation (UNIDO) had a change in leadership in late 2021, the number has gone down to two. Below leadership level, there has been a 68 per cent increase of PRC nationals working in the UN system since 2009.<sup>15</sup> To be sure, the problem is not PRC nationals working at the UN, in leadership or any other position, but that there is concern that many may be under pressure to (mis-) use their positions to further the goals of the CCP rather than those of the UN, contrary to the UN oath of office “not to seek or accept instructions in regard to the

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11. Tong, E. 17 June 2017. Not just officials: Taiwan students blocked from visiting UN public gallery in Geneva. HKFP. (<https://hongkongfp.com/2017/06/15/not-just-officials-taiwan-students-blocked-visiting-un-public-gallery-geneva/>). Accessed 5 March 2020.

12. See previous and following footnote.

13. Wang, L.Y. 21 October 2021. UN Resolution 2758 Turns 50: Implications for Taiwan. German Marshall Fund Online Talk. (<https://www.youtube.com/watch?v=G0rqjDd8npA>). Accessed 4 March 2022.

14. See e.g. Chapter 13 in Hamilton, C. and Ohlberg, M. 2020. Hidden hand: Exposing how the Chinese Communist Party is reshaping the world. Simon and Schuster; Gray, A. and Currie, K. 2021. Taiwan’s International Space and the UN System. Global Taiwan Institute. 19 October 2021. (<https://www.youtube.com/watch?v=zOww0Jlo-fg>). Accessed 4 March 2022.

15. Viña, M.L. and Schaefer, B. 24 February 2021. Get more Americans working at the UN. The Heritage Foundation. (<https://www.heritage.org/global-politics/commentary/get-more-americans-working-the-united-nations>). Accessed 4 March 2022.



performance of [their] duties from any Government".<sup>16</sup> It is immediately obvious that an autocratic and totalitarian system not checked by the rule of law or democratic oversight, such as the PRC government, simply has more means to influence international organisations this way than more liberal democratic countries which are arguably closer aligned with the values of the UN itself. A widely reported example of this type of reach cites the case of the former head of Interpol (albeit not a UN agency) Meng Hongwei, who was detained in China when on a trip there from the Interpol headquarters in France. Meng was scheduled to remain at the helm of Interpol until 2020, but an investigation in China following his arrest found that he "spent lavish amounts of state funds, abused his power and *refused to follow party decisions*."<sup>17</sup> In 2020, the former vice-minister at the Ministry of Public Security was sentenced to over 13 years in jail.<sup>18</sup>

Doubling down on reducing Taiwan's international recognition and status, the PRC regularly interferes in other nations', companies' or organisations' activities. The Taiwanese Ministry of Foreign Affairs keeps track of many of these instances, providing a list of "Chinese interference with Taiwan's international presence"<sup>19</sup> from the very serious to the petty and absurd. These actions include the censoring of news media in third countries, the pressure on international companies to not designate Taiwan as a country on their websites and to use the *right* kind of maps (i.e., including Taiwan as part of the PRC) in brand advertisements, and the pressuring of universities not to display certain art pieces or even have a separate "Taiwan" stall at an international food fair.<sup>20</sup>

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16. UN Ethics Office. Our Oath of Office. (<https://www.un.org/en/ethics/>). Accessed 4 March 2022.

17. Reuters. 7 July 2019. Wife of China's Meng, former Interpol chief, sues agency. (<https://www.reuters.com/article/us-china-france-interpol/wife-of-chinas-meng-former-interpol-chief-sues-agency-idUSKCN1U20L6>). Accessed 4 March 2022. Italics added.

18. Buckley, C. 21 January 2020. Ex-president of Interpol is sent to prison for bribery in China. The New York Times. Cited in: Hamilton, C. and Ohlberg, M. 2020. Hidden hand: Exposing how the Chinese Communist Party is reshaping the world, p. 570 (e-book). Simon and Schuster.

19. Republic of China Ministry of Foreign Affairs. 2022. Instances of China's Interference with Taiwan's International Presence. (<https://en.mofa.gov.tw/cl.aspx?n=1510>). Accessed 4 March 2022.

20. Ibid.

## THE COSTS OF EXCLUSION

As opposed to some of the more absurd interferences, the exclusion of Taiwan from the international system is all but petty or of minor consequence. It greatly reduces opportunities for the 23.5 million people of Taiwan as well as for the global community to benefit from Taiwan's proven expertise in transnational security issues, such as cyber security, global health, transnational crime, climate change, and logistics and supply chains, to name but a few. Taiwan's exclusion from UN specialised agencies such as the World Health Organisation (WHO) and the International Civil Aviation Organization (ICAO) or from global regimes like the UN Framework Convention on Climate Change (UNFCCC) prevents better global pandemic responses, strategies to combat climate change or the ensuring of safe and sound regional and global civil aviation transport and flight control. Its exclusion from the International Telecommunications Union (ITU) or any international technological standard-setting organisation stands in stark contrast to the expertise Taiwan has to offer in telecommunications or in manufacturing microchips and semiconductors. Taiwan is home to the world's largest chip manufacturer, the Taiwan Semiconductor Manufacturing Company (TSMC), and has become a geostrategic centrepiece for global supply chains. Its expertise in this area is indeed self-evident.

The COVID-19 pandemic highlighted Taiwan's WHO exclusion. Early on, Taiwan impressed with the speed and effectiveness of its measures and its relative success in terms of low rates of infection and mortality. Taiwan's early enquiries into human-to-human transmission of the virus, long before the PRC reacted, were another case in point.<sup>21</sup> The Taiwanese government was the first to implement a health quarantine policy on flights from Wuhan, sent experts to visit the area of the assumed first outbreak and was very early in initiating operations of its dedicated command centre, the National Health Command Center (NHCC), which had been set up a year after the SARS outbreak in 2003.<sup>22</sup> Crucially, Taiwan's success, based on a whole-of-society approach and trust in the capability of its leadership, with an emphasis on accountability and transparency, also worked, together with the South Korean experience, against the notion that democracies were at a systematic disadvantage in dealing with a virus outbreak and that it was authoritarianism that offered the

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21. Focus Taiwan. 4 April 2020. Taiwan reveals email, blasts WHO for possible 'dereliction of duty'. (<https://focustaiwan.tw/politics/202004110004>). Accessed 4 March 2022.

22. Wang, C.J. et al. 3 March 2020. Response to COVID-19 in Taiwan: Big Data Analytics, New Technology, and Proactive Testing. (<https://jamanetwork.com/journals/jama/fullarticle/2762689>). Accessed 10 March 2022.

best recipes to curb the spread of the coronavirus. Taiwan further used the positive momentum it was able to create by sharing best practices as well as donating personal protective equipment to its friends and partners, including to nations in Europe. Throughout the pandemic, Taiwan managed to focus attention around its decreasing space and role in international organisations. Amid COVID-19, this centred predominantly on its lack of access to the WHO. This includes its repeated exclusion from participating as an observer at the WHO's annual general meeting – the World Health Assembly (WHA) – despite having proven that it has much to offer to the rest of the world and that its exclusion from global multilateral organisations weakens international responses as a whole. In 2021, the foreign and development ministers of the Group of Seven (G7), and the High Representative of the European Union, issued a joint communiqué appreciating Taiwan's COVID-19 response and supporting "Taiwan's meaningful participation in World Health Organisation forums and the World Health Assembly [as the] international community should be able to benefit from the experience of all partners, including Taiwan's successful contribution to the tackling of the COVID-19 pandemic."<sup>23</sup> Taiwan routinely applies to participate in the WHA as an observer, but political factors, namely cross-Strait relations, seem to determine the outcome. It is no coincidence, therefore, that between 1997 and 2009, under more independence-leaning leadership, Taiwan's application was denied. Then, after the election of Ma Ying-jeou, a decidedly mainland-friendly KMT man, as president, Taiwan was allowed to attend as an observer. Participation ended again in 2016, when the Democratic Progressive Party's Tsai Ing-wen was elected president.

Likewise, excluding Taiwan from Interpol makes everyone less safe. That excluding Taiwan from the I-24/7 global police communications system, which gives access to databases, for example, on stolen and lost travel documents, stolen vehicles or art, fingerprints, or counterfeit payment cards, creates loopholes is blatantly obvious. In addition, in the area of cybercrime alone, the reining in of the most egregious online crimes, ranging from online child abuse material, to stopping fraudsters and online scams, to dealing with state-backed hacking, is better achieved by not artificially excluding countries which share these problems and even have particular expertise. In addition to some successful bilateral police coop-

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23. GOV.UK. 5 May 2021. G7 Foreign and Development Ministers' Meeting: Communiqué. (<https://www.gov.uk/government/publications/g7-foreign-and-development-ministers-meeting-may-2021-communiqué/g7-foreign-and-development-ministers-meeting-communiqué-london-5-may-2021>). Accessed 15 March 2022.

eration in some of the mentioned areas above<sup>24</sup>, it is important to note that Taiwan also holds significant expertise as the number one destination for PRC-backed hacker attacks. While concrete numbers are hard to establish, the estimated volume of such attacks is certainly mind-blowing. One Taiwanese academic gave a recent estimate of 200 - 400 million cyber-attacks by Chinese operators on Taiwan each month.<sup>25</sup> Being able to uphold a sound digital infrastructure amidst such a scale of attacks speaks to Taiwan's expertise. Another related set of expertise pertains to managing the relationship with the PRC in the light of these and other attacks. If one were to look for options to treat the PRC both as a rival and a partner, as some do, Taiwan makes for an interesting case study, facing significant Chinese aggression, yet continuing to have an outstanding trading relationship with it. In all of these cases, having such a resource on the outside looking in is not making multilateral organisations any stronger or more resilient.

The multilateral, international organisations of the international system today are among the most important pillars that uphold it. Even if larger and more powerful states hold significant powers in these institutions, it is still where smaller states can come together and make their interests heard. Upholding the rule of law, working against a "might-makes-right" approach and continuing to find cooperative solutions to shared global problems is a key aspiration, even a necessity, that must be upheld. All member states have some influence on the effectiveness, aspirations and procedures of these institutions. In a world increasingly defined by a competition of systems of governance, it is vital to have liberal democracies represented in international organisations as more autocratic leaning governments are somewhat ironically using them to gain traction in the competition of systems. A country that is committed to the rules-based international order, to maintaining peace and security, to liberal democracy at home, and to fulfilling and helping others to fulfil the sustainable development goals ought to be not only included, but to be a strong force within those institutions. In a similar vein, Taiwan is often described as a role model or a shining example of how a liberal democratic system – not least in a geographical area where this governance model is an exception rather than the rule – can lead to very high standards of living, equal opportunities for its citizens and a strong and caring civil society. Leaving Taiwan excluded diplomatically and outside

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24. Huang, C.L. 19 November 2021. Combating cybercrime in the postpandemic era: Taiwan can help. *Eureporter*. (<https://www.eureporter.co/defence/cybercrime-2/2021/11/19/combating-cybercrime-in-the-postpandemic-era-taiwan-can-help/>). Accessed 10 March 2022.

25. Jennings, R. 10 December 2021. How China could cyberattack Taiwan. *VoA News*. (<https://www.voanews.com/a/how-china-could-cyberattack-taiwan/6349594.html>). Accessed 10 March 2022.

of the international system, however, leaves a mark on its otherwise stellar record even through no fault of its own. In the light of its exclusion, other countries may ask why they should become a “model citizen” aligned with UN values when one of the most stellar performers is left out in the cold.

## CONCLUSION

Article 1 of the UN Charter on the purposes of the United Nations includes references to the need to bring about the “settlement of international disputes or situations which might lead to a breach of the peace”<sup>26</sup>. It also states as the purpose of the UN to “achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.<sup>27</sup> Yet, the exclusion of Taiwan does nothing to “settle”, for instance, the international dispute surrounding its objective existence, nor does it promote international cooperation to solve international problems of any character. This article has highlighted the flawed basis upon which Taiwan is excluded from the international system, as well as noted some of the areas of expertise and benefits Taiwan would bring to a more inclusive system. Of course, its inclusion also brings benefits to the Taiwanese people. In addition, it was highlighted that in an environment in great part characterised by systemic challenges to liberal democratic forms of governance, not supporting such a strong example of a successful democracy is detrimental to its capacity to function as a positive example to other countries. Bringing Taiwan further into the fold of the international system is possible. The COVID-19 pandemic, supply-chain issues, specifically of certain electronic parts, as well as increasing focus on the Indo-Pacific region overall have and continue to spotlight Taiwan. This led to the G7 foreign ministers embracing Taiwan’s meaningful participation in the WHO in 2021. Continuing current developments will make Taiwan’s role and its situation in the international system only more prominent and problems of global scale need effective multilateralism to be adequately addressed. Steps to ensure more inclusive processes in international organisations, be it below the level of full membership at the UN, must be taken to meet future challenges.

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26. United Nations Charter. Article 1. (<https://www.un.org/en/about-us/un-charter/full-text>). Accessed 15 March 2022.

27. Ibid.

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# The Quadrilateral Security Dialogue: Direction and Prospects Amid Changing Realities

*Nazia Hussain*

## INTRODUCTION

At a time when multilateralism has come under increasing scrutiny over perceptions of lethargy in its workings and being reconsidered for alternative models of regional and global governance, the resurgence of the Quadrilateral Security Dialogue, henceforth referred to as Quad, after nearly a decade-long hiatus has certainly raised eyebrows in the region. An evolving geopolitical landscape and balance of power dynamics prompted the Quad – an informal grouping involving Japan, India, Australia and the United States – to take another attempt at Indo-Pacific multilateralism on the sidelines of the East Asia Summit in Manila in 2017.

Regional reception to the Quad's second coming has been lukewarm, tapered with collective memory of the Quad faltering in the face of external pressure, particularly from China. Ensuing finger pointing over who was to blame for its early demise left an unflattering trail, exposing the limitations of multilateral mechanisms and the inherent challenges to the Quad formulation itself. Australia's Kevin Rudd government was blamed for flailing under Chinese pressure in its decision to withdraw from the grouping, India was perceived as a reluctant partner over its skittish demeanour at the slightest possibility of a divergence from its traditional foreign policy of Non-Alignment, and the Quad lost its most ardent supporter when Japan's former Prime Minister Shinzo Abe resigned in September 2007.

However, more than a decade later, strategic circumstances have changed for each of the Quad countries, and the grouping in its current form is internally more mature and in tune with the nuanced geopolitical realities that inform its agenda in the Indo-Pacific region. First, the Quad countries today are far more aligned in their threat perception vis-à-vis China, with relatively hardened positions in New Delhi and Canberra. The Sino-Indian territorial dispute escalated into a military stand-off in the Doklam plateau in 2017 and witnessed clashes in the Galwan Valley in

2020, culminating in casualties. Meanwhile, Australia raised concerns over Chinese interference in its domestic politics.<sup>1</sup> Both countries had long been reluctant to directly confront Beijing, choosing instead to engage by “minimal confrontation and maximum gains” – pursuing closer economic ties while avoiding overt reactions against security issues.<sup>2</sup> This approach is undeniably changing as policymakers in the two Quad capitals grapple with an increasingly assertive China. Canberra under the Scott Morrison administration has shown a stark reversal from the earlier Australian approach of relative restraint towards China.<sup>3</sup> New Delhi’s strategic realignment, apparent in statements by Indian officials who have become much more vocal in their support for the Quad, bodes well for the grouping as India has admitted to traditionally being the Quad’s most cautious member.<sup>4</sup>

Second, and more importantly, relations between the Quad countries have matured beyond the China equation. The decade following the Quad’s demise afforded time for the four countries to enhance their bilateral and trilateral cooperation with each other, with regular high-level 2+2 dialogues involving the defence and foreign ministries being hosted. Moreover, India, which was considered the “weakest link”<sup>5</sup> compared to the other three Quad countries bound by formal treaty alliances, has reassessed its strategic options to upgrade ties with the United States and Australia. India signed a Logistics Exchange Memorandum of Agreement (LEMOA) with the United States in August 2016 which allows the militaries of the two countries to replenish from each other’s bases,<sup>6</sup> and went on to become a major defence partner of the United States in December 2016, bringing New Delhi to an equal footing with the United States’ closest allies and partners.<sup>7</sup> New Delhi also invited Australia to

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1. Paik, Wooyeal, and Park Jae Jeok. 2021. The Quad’s Search for Non-Military Roles and China’s Strategic Response: Minilateralism, Infrastructure Investment, and Regional Balancing. *Journal of Contemporary China*. 30: 127, 36-52. (<https://doi.org/10.1080/10670564.2020.1766908>).

2. Kliem, Frederick. 2020. Why Quasi-Alliances Will Persist in the IndoPacific? The Fall and Rise of the Quad. *Journal of Asian Security and International Affairs* 7(3), 271-304. (DOI: 10.1177/2347797020962620).

3. Ibid.

4. Smith, Jeff M. 25 June 2021. How to Keep India All-In on the Quad. *Foreign Policy*. (<https://foreignpolicy.com/2021/06/25/india-quadrilateral-security-dialogue-us-australia-japan-china-russia/>).

5. Grossman, Derek. 23 July 2018. India Is the Weakest Link in the Quad. *Foreign Policy*. (<https://foreignpolicy.com/2018/07/23/india-is-the-weakest-link-in-the-quad/>).

6. Roy, Shubhajit. 3 November 2020. Explained: BECA, and the importance of 3 foundational pacts of India-US defence cooperation. *The Indian Express*. (<https://indianexpress.com/article/explained/beca-india-us-trade-agreements-rajnath-singh-mike-pompeo-6906637/>).

7. U.S. Embassy and Consulates in India. 8 December 2016. India-United States Joint Statement on the visit of Secretary of Defense Carter to India. (<https://in.usembassy.gov/india-united-states-joint-statement-visit-secretary-defense-carter-india-december-8-2016/>).



join the Malabar naval exercises in 2020 for the first time in 13 years. Deepening of strategic cooperation between the Quad countries would foster familiarity when undertaking joint initiatives as a grouping.

The Quad has made steady headway since its resurrection in 2017, elevating from ministerial-level meetings in the early years to hosting leader-level summits twice in 2021. The four countries also released a joint statement following the first-ever in-person Quad leaders' summit held in September 2021 – “The Spirit of the Quad” – silencing critics who pointed to the lack of a joint statement as a sign of a lack of consensus within the grouping. There are reasons to believe that the Quad 2.0 is doing regional multilateralism right this time around and that there is enough political will to cooperate on issues of mutual interest. If it is any indication, the Quad has proved durable amidst the change of governments in the United States and Japan in 2021 and in Australia in 2018, demonstrating continuity and momentum.<sup>8</sup>

The Quad 2.0 has been beset with a flurry of speculations about its nature – from being cast as an “Asian NATO” to being dismissed as “foam in the ocean” – and has faced doubts about its ability to establish an institutionalised set-up. Whatever the prevailing perceptions may be, the Quad is not an “alliance” but rather aims to operate as a loose-knit issue-based coalition of like-minded partners.<sup>9</sup> India's refusal to directly condemn Russian aggression in Ukraine has called the like-mindedness of the grouping into question and raises speculations of disparity within the Quad. However, the maturity of India's bilateral relations with Japan, Australia and the United States – increasingly entrenched in cooperation across areas beyond the ambit of traditional security – will likely factor into the grouping's efforts at resolving internal disagreements. After all, the Quad is not a security alliance but has fashioned itself as a functional utility mechanism aiming to provide public goods in the Indo-Pacific region.

This paper aims to conceptualise the Quad's role beyond traditional security cooperation; and examine synergies with ASEAN-led initiatives that would substantiate its role over the long term as a viable mechanism in the Indo-Pacific region.

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8. Chellaney, Brahma. 10 January 2022. The Quad needs an economic pillar to stand on. *Nikkei Asia*. (<https://asia.nikkei.com/Opinion/The-Quad-needs-an-economic-pillar-to-stand-on>).

9. Kutty, Sumitha Narayanan, and Rajesh Basrur. 24 March 2021. The Quad: What It Is – And What It Is Not. *The Diplomat*. (<https://thediplomat.com/2021/03/the-quad-what-it-is-and-what-it-is-not/>).

## BEYOND THE SECURITY REALM

Chinese unilateral actions may have catalysed the Quad's comeback, but the grouping portrays an understanding that an agenda solely focused on security cooperation intent on keeping Beijing in check is not a viable long-term strategy for maintaining the liberal order in the Indo-Pacific region. The Quad joint statements have neither mentions of China nor a prioritisation of traditional security issues on its agenda. Instead they outline the scope and direction of the Quad going forward, with an emphasis on health security, connectivity and infrastructure, climate crisis, critical and emerging technologies, education, counter-terrorism and humanitarian assistance.<sup>10</sup>

The broadening agenda may find support in the Quad Plus arrangement that emerged in March 2020 as an informal format whereby the Quad countries engaged with South Korea, New Zealand and Vietnam to discuss COVID-19 cooperation; subsequently, invitations were extended to Brazil and Israel in May 2020. Without getting caught up with membership, the Plus arrangement allows the core Quad grouping to seek out support for its initiatives from interested partners. Though still in its early stages, the Quad Plus format could potentially extend its logistical and supply network chains to help the grouping accomplish the stated goals.<sup>11</sup>

As the Quad attempts to move beyond the hazily defined scope of a traditional security partnership in the Indo-Pacific, its foray into issues of regional importance, particularly health security and infrastructure, might be a good starting point to establish itself as a substantive mechanism in the post-COVID era and shake off perceptions of it as being just an "anti-China talk-shop."

### Health Security Cooperation

The growing strategic heft of health diplomacy since the start of the COVID-19 pandemic brought about the Quad's urgent emphasis on health security cooperation. In terms of concrete deliverables, the Quad launched its flagship project – the Quad Vaccine Partnership – in March 2021, which aims to donate 1.3 billion doses globally

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10. The White House. 24 September 2021. Joint Statement from Quad Leaders. (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/24/joint-statement-from-quad-leaders/>).

11. Anuar, Amalina, and Nazia Hussain. 2022. The Quad and Regional Health Security: Implications and Prospects for the Indo-Pacific. RSIS Policy Report. ([https://www.rsis.edu.sg/wp-content/uploads/2022/02/PR220225\\_The-Quad-and-Regional-Health-Security.pdf](https://www.rsis.edu.sg/wp-content/uploads/2022/02/PR220225_The-Quad-and-Regional-Health-Security.pdf)).

and at least 1 billion doses to the Indo-Pacific region by end 2022.<sup>12</sup> India's Biological E. Limited is tasked with manufacturing the vaccines, the US Development Finance Corporation is funding the expansion of Biological E. Limited's vaccine manufacturing capacity to accommodate an output rate of a billion doses, and the Japan International Cooperation Agency will provide loans to New Delhi to expand vaccine manufacturing for export.<sup>13</sup> Meanwhile, Australia is looking to provide logistical support to facilitate last-mile vaccine delivery and distribution, with a focus on Southeast Asia and the Pacific.<sup>14</sup> Moreover, Japan, Australia and the United States have also pledged US\$600 million towards assisting to train healthcare workers, combat vaccine hesitancy and augment infrastructure, especially cold chain systems, throughout the Indo-Pacific.<sup>15</sup>

Successfully disbursing the vaccines against the proposed timeline would make a good case for the Quad to be regarded for its focus on functional collaboration towards delivering regional public goods. The delivery of the first batch of Quad-supported vaccines in the Indo-Pacific region has been expedited to the first half of this year.<sup>16</sup> Delivery efforts aside, the Quad might, however, do well to reassess the division of labour vis-à-vis its vaccine initiative. Despite Australia possessing a vaccine manufacturing capability of 1 million AstraZeneca doses per week, and having continuously exported up to 800,000 doses weekly to Southeast Asia and the Pacific, the country is expected to wind up its vaccine manufacturing by early 2022.<sup>17</sup> Rather, the Quad continues to rely primarily on India's vaccine manufacturing capabilities, which might not prove too prudent in case of unforeseen circumstances. Domestic considerations could leave India indisposed to export vaccines, as has already been the case.

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12. U.S. Department of State. 11 February 2022. Joint Statement on Quad Cooperation in the Indo-Pacific. (<https://www.state.gov/joint-statement-on-quad-cooperation-in-the-indo-pacific/>).

13. The White House. 12 March 2021. Fact Sheet: Quad Summit. (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/12/fact-sheet-quad-summit/>).

14. Ibid.

15. McCarthy, Simone. 13 March 2021. Quad summit: US, India, Australia and Japan counter China's 'vaccine diplomacy' with pledge to distribute a billion doses across Indo-Pacific. South China Morning Post. (<https://www.scmp.com/news/china/diplomacy/article/3125344/quad-summit-us-india-australia-and-japan-counter-chinas>).

16. Press Trust of India. 11 February 2022. Quad foreign ministers agree to expedite delivery of Covid-19 vaccines. Business Standard. ([https://www.business-standard.com/article/current-affairs/quad-foreign-ministers-agree-to-expedite-delivery-of-covid-19-vaccines-122021101533\\_1.html](https://www.business-standard.com/article/current-affairs/quad-foreign-ministers-agree-to-expedite-delivery-of-covid-19-vaccines-122021101533_1.html)).

17. Anuar, Amalina, and Nazia Hussain. 2022. The Quad and Regional Health Security: Implications and Prospects for the Indo-Pacific. RSIS Policy Report. ([https://www.rsis.edu.sg/wp-content/uploads/2022/02/PR220225\\_The-Quad-and-Regional-Health-Security.pdf](https://www.rsis.edu.sg/wp-content/uploads/2022/02/PR220225_The-Quad-and-Regional-Health-Security.pdf)).

Ultimately, the Quad requires a long-term strategy towards regional health security beyond vaccine exports and distribution. As the Quad-supported vaccines begin to roll out in the coming months, taking stock of progress and extending last-mile support to address issues such as vaccine hesitancy will be crucial to avoiding a repeat of the situation in Nepal where authorities had to request the Serum Institute of India to delay vaccine shipments under the COVAX initiative as storage facilities were reportedly “full to the brim”.<sup>18</sup> Neglecting vaccination drives meant the country’s vaccination rates remained low. The Quad’s pandemic preparedness tabletop exercise set to be hosted this year would do well to further articulate last-mile efforts in the Indo-Pacific region.

## Plugging the Infrastructure Gap

Infrastructure financing is a pressing regional concern. The Asian Development Bank estimates a requirement of about US\$210 billion a year in infrastructure investments for Southeast Asia to maintain growth momentum.<sup>19</sup> Infrastructure spending in the region, however, fell way short of the ADB estimate to only US\$55 billion in 2018.<sup>20</sup> Meanwhile, China has sought to fill this deficit through its Belt and Road Initiative (BRI), with investments in Southeast Asia alone amounting to US\$29.3 billion in 2019.<sup>21</sup> At the Belt and Road Summit in September last year, ASEAN ministers urged for more multilateral investments through the BRI towards economic recovery as the pandemic continues to hamper regional economies.<sup>22</sup>

The infrastructure gap in a post-COVID economy is only going to widen owing to unprecedented lockdowns and financial disruptions. This apparent gap in infrastructure funding is an area the Quad has rightly prioritised in its agenda, launching the Quad Infrastructure Coordination Group to regularly “share assessments of regional infrastructure needs and coordinate respective approaches to deliver

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18. Poudel, Arjun. 19 December 2021. Nepal’s vaccination rate has slowed down despite enough doses in stock. The Kathmandu Post. (<https://kathmandupost.com/health/2021/12/19/nepal-s-vaccination-rate-has-slowed-down-despite-enough-doses-in-stock>).

19. Yu, Kaho. 2021. The Belt and Road Initiative in Southeast Asia after COVID-19: China’s Energy and Infrastructure Investments in Myanmar. ISEAS-Yusof Ishak Institute. (<https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-39-the-belt-and-road-initiative-in-southeast-asia-after-covid-19-chinas-energy-and-infrastructure-investments-in-myanmar-by-kaho-yu/#:~:text=As%20shown%20in%20Chart%20,BRI%20investments%20in%20Southeast%20Asia>).

20. Ibid.

21. Ibid.

22. Tan, CK. 1 September 2021. ASEAN needs more Belt and Road money, say ministers. Nikkei Asia. (<https://asia.nikkei.com/Spotlight/Belt-and-Road/ASEAN-needs-more-Belt-and-Road-money-say-ministers>).

transparent, high-standards infrastructure” through public-private partnership projects.<sup>23</sup> The particular focus on “high-standards infrastructure” in accordance with international best practices and global standards stands in tacit contrast to a number of BRI projects which have raised concerns about corruption, environmental sustainability and debt.

The good news is that the Quad will not have to start from scratch in the infrastructure domain. Quad countries have financed thousands of infrastructure and capacity-building projects across more than 30 countries in the Indo-Pacific to the tune of US\$48 billion since 2015.<sup>24</sup> This includes support of rural development, health infrastructure, water supply and sanitation, renewable power generation, telecommunications, and road transportation, etc.<sup>25</sup> However, the grouping would be better served by taking stock of the various infrastructure initiatives initiated by its member countries, some of which have fallen short on concrete deliverables to date. Consolidating and streamlining these initiatives in keeping with the strengths of each country will help weed out redundancy and duplication of efforts. For instance, the Asia-Africa Growth Corridor (AAGC) announced in 2017 by India and Japan, as well as the Trilateral Partnership for Infrastructure Investment in the Indo-Pacific undertaken by Japan, Australia and the United States in 2018, have been off to a slow start, with the latter having only one project to show for – a US\$30 million undersea fibre optic cable connecting the Pacific island state of Palau with the Indo-Pacific announced in October 2020.<sup>26</sup> Meanwhile, the AAGC is laden with shared values and principles, complete with a published vision document, but neither Tokyo nor New Delhi has followed up on it.

The challenge for Quad-backed infrastructure initiatives would be how to balance their values and “high-standards” infrastructure aspirations while still maintaining feasibility and flexibility to some extent. Even as the Quad emphasises the quality aspect, these initiatives need to acknowledge the risk of getting caught up in projects that threaten to exceed their budgets or lag behind deadlines. As has been pointed out, rather than have all four Quad members be involved in every single infrastructure project, the grouping should extend flexibility to member states

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23. The White House. 24 September 2021. Fact Sheet: Quad Leaders’ Summit. (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/24/fact-sheet-quad-leaders-summit/>).

24. Ibid.

25. Ibid.

26. Australian Infrastructure Financing Facility for the Pacific. 28 October 2020. Australia partnering with Japan and the United States to finance Palau undersea cable. (<https://www.aifp.gov.au/news/australia-partnering-japan-and-united-states-finance-palau-undersea-cable>).

to launch projects on their own in adherence to the Quad's visions and G20 Quality Infrastructure Investment Principles.<sup>27</sup>

Ultimately, the Quad needs to balance quality with the number of infrastructure projects it undertakes to effectively narrow the infrastructure gap in the region. As the Quad seeks to build on the Biden administration- and G7-led Build Back Better World (B3W) – a “values-driven, high-standard, and transparent infrastructure partnership”<sup>28</sup> – it must flesh out the details to provide a measure of balance to the values versus feasibility debate surrounding large-scale infrastructure initiatives.

## SYNERGIES WITH ASEAN INITIATIVES

Reaffirmation of ASEAN Centrality and the ASEAN-led regional architecture has been a sustained fixture in Quad statements, underscoring the grouping's commitment to working with ASEAN in practical and inclusive ways. Such pronouncements, however, are not just for ASEAN's sake but also for the Quad to effectively implement its initiatives in the Indo-Pacific. As a pivotal actor, “ASEAN provides the tipping point where its support can give vital momentum to any initiative in the region, and this is an open platform for external powers to harness.”<sup>29</sup> Hence, any long-term strategically viable framework of the Quad will need ASEAN buy-in, and for that to happen, the Quad must make efforts at a new framing which distances itself from the China-containment narrative that has pursued the grouping since its first ideation back in 2007. After all, China is ASEAN's largest trading partner and the regional bloc remains careful not to get embroiled in the intensifying major power rivalry in the region.

According to the 2022 State of Southeast Asia survey conducted by the ISEAS-Yusof Ishak Institute in Singapore, China has emerged as the most influential economic and political-strategic power in the region.<sup>30</sup> However, this is not to say

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27. Hillman, Jonathan E. 27 September 2021. The Quad's Strategic Infrastructure Play. Center for Strategic and International Studies. (<https://www.csis.org/analysis/quads-strategic-infrastructure-play>).

28. The White House. 12 June 2021. FACT SHEET: President Biden and G7 Leaders Launch Build Back Better World (B3W) Partnership. (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/12/fact-sheet-president-biden-and-g7-leaders-launch-build-back-better-world-b3w-partnership/>).

29. Ng, Joel. 17 August 2020. ASEAN as Pivotal Actor: Balancing Centrality and the Indo-Pacific. RSIS Commentaries. (<https://www.rsis.edu.sg/rsis-publication/cms/asean-as-pivotal-actor-balancing-centrality-and-the-indo-pacific/#.YVMuu2aA6lY>).

30. ISEAS-Yusof Ishak Institute. 2022. The State of Southeast Asia: 2022 Survey Report. ([https://www.iseas.edu.sg/wp-content/uploads/2022/02/The-State-of-SEA-2022\\_FA\\_Digital\\_FINAL.pdf](https://www.iseas.edu.sg/wp-content/uploads/2022/02/The-State-of-SEA-2022_FA_Digital_FINAL.pdf)).

the region is not concerned about Beijing's muscular unilateralism, which lends to "pockets of quiet support for the Quad in Southeast Asia."<sup>31</sup> Although ASEAN has not publicly endorsed the Quad, cognisant of a threat to its centrality and an undermining of the ASEAN-led regional architecture, and while China continues to remain vocal in its opposition to the Quad as a containment strategy, the ASEAN perception of the Quad is not all doom and gloom. In fact, there is no one cohesive view of the Quad in Southeast Asia – with perceptions ranging from scepticism to moderately welcoming. The survey shows that 58.5 per cent of the respondents agree or strongly agree that the strengthening of the Quad, including through practical cooperation, will be constructive for the region, as compared to only 13.1 per cent of respondents who disagree or strongly disagree (respondents from Cambodia being most apprehensive at 40.7 per cent).<sup>32</sup>

Similar sentiments were echoed in another survey done by the Australian Strategic Policy Institute in 2018 where a majority of the ASEAN respondents (57 per cent) were in favour of the Quad initiative as playing a useful role in regional security; 10 per cent stood opposed to it; and most notably, 39 per cent indicated their potential future support to the Quad if it manages to successfully materialise.<sup>33</sup> Furthermore, 46 per cent of respondents also believed the Quad complements existing ASEAN-centred regional frameworks.<sup>34</sup>

The prevailing perception is something the Quad could further sway to its favour over time by forging a reputation of providing tangible public goods to the region and identifying synergies with ASEAN initiatives on issues of regional concern. The Quad Vaccine Partnership is a step in the right direction if it can make good on its promise to deliver a billion doses of COVID-19 vaccine to the Indo-Pacific by the end of the year. So far, of the 79 million doses of vaccine which have been delivered as of December 2021, almost 46 million doses have gone to ASEAN mem-

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31. Choong, William. 2021. The Quad and the Indo-Pacific: Going Slow to Go Further. ISEAS-Yusof Ishak Institute. (<https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-125-the-quad-and-the-indo-pacific-going-slow-to-go-further-by-william-choong/>).

32. ISEAS-Yusof Ishak Institute. 2022. The State of Southeast Asia: 2022 Survey Report. ([https://www.iseas.edu.sg/wp-content/uploads/2022/02/The-State-of-SEA-2022\\_FA\\_Digital\\_FINAL.pdf](https://www.iseas.edu.sg/wp-content/uploads/2022/02/The-State-of-SEA-2022_FA_Digital_FINAL.pdf)).

33. Thu, Huong Le. 23 October 2018. Southeast Asian perceptions of the Quadrilateral Security Dialogue. Australian Strategic Policy Institute. (<https://www.aspi.org.au/report/southeast-asian-perceptions-quadrilateral-security-dialogue>).

34. Ibid.

bers.<sup>35</sup> Moreover, considering the ASEAN Dialogue Partner status of all four Quad countries and their integration into ASEAN-led frameworks such as the East Asia Summit, the ASEAN Regional Forum, and the ASEAN Defence Ministers' Meeting-Plus, the Quad ought to strengthen its focus on coordinating with ASEAN – it reaching out to the ASEAN Secretariat for vaccine distribution is a first step, and a gesture ASEAN would take note of.

The Quad has indeed stepped up at a time of crisis but it needs to do more than just pay lip-service in support of the ASEAN Outlook on the Indo-Pacific (AOIP). Seeing as how the AOIP does not intend to create new mechanisms or replace existing ones, the various working groups such as the Quad Vaccine Experts Group, the Quad Climate Working Group and the Quad Critical and Emerging Technology Working Group could in fact draw upon ASEAN's suite of multilateral platforms for dialogue and cooperation. The East Asia Summit, for instance, already provides an existing platform for cooperation on global health issues and pandemic diseases. When the world emerges on the other side of the pandemic, the Quad's regional health diplomacy should mature beyond vaccine distribution to collaborations on joint research to combat future infectious diseases and substantiate ASEAN's healthcare capacity.

Another area that provides ample opportunity for the Quad and ASEAN to coordinate their initiatives is infrastructure development. The Quad Infrastructure Coordination Group could assess openings to collaborate with ASEAN's Connectivity Masterplan 2025 (MPAC 2025). A mid-term review of the MPAC 2025 has highlighted that connectivity is key to the region's recovery from the COVID-19 pandemic and that the MPAC 2025 has to develop an updated COVID-19-focused narrative that involves identifying synergies with ASEAN's Dialogue Partners, which include all the Quad countries.<sup>36</sup> As it happens, both the latest joint statement from the February 2022 Quad Foreign Ministers' Meeting as well as the AOIP acknowledge the importance of connectivity and infrastructure development in the sub-regions, including in the increasingly heated Mekong sub-region. All four Quad countries are active in the Mekong sub-region through various formats and mechanisms – Delhi engages the Mekong through the Mekong-Ganga Cooperation

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35. Share.usaid.gov. Quad Country COVID-19 Response in the Indo-Pacific Dashboard. ([https://share.usaid.gov/views/QUADCOUNTRYCOVID-19ResponseDashboard/Indo-PacificRegionOverview?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3AisGuestRedirectFromVizportal=y&%3Aembed=y](https://share.usaid.gov/views/QUADCOUNTRYCOVID-19ResponseDashboard/Indo-PacificRegionOverview?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3AisGuestRedirectFromVizportal=y&%3Aembed=y)).

36. Asean.org. January 2021. Masterplan on ASEAN Connectivity 2025: Mid-Term Review. (<https://connectivity.asean.org/wp-content/uploads/2020/11/07-MPAC-MTR-Executive-Summary.pdf>).



initiative, Washington has its Mekong-US Partnership, Tokyo engages through the Japan-Mekong Connectivity Initiative, and Canberra in November 2020 announced the US\$232 million Mekong–Australia Partnership. Amid calls for ASEAN to elevate Mekong issues on its agenda, the Quad countries could consider coordinating their efforts in the Mekong sub-region with ASEAN-led frameworks such as the ASEAN Mekong Basin Development Cooperation (AMBDC) platform, which also includes China. This would signal to the region that the Quad is as inclusive as it claims and open to engaging with Beijing within ASEAN-led frameworks. The Quad may have eased some of ASEAN's anxieties for the time being with a broadened agenda focused on provision of public goods. More can be done in this regard.

## **LOOKING AHEAD: NARRATIVES AND EXPECTATIONS**

Normative principles that buttress the Quad more or less align with those governing the ASEAN-led regional architecture – a rules-based order, freedom of navigation and overflight, and respect for international law and maritime security. Even so, the Quad's road to gaining traction in the region is not entirely straightforward. Rendering alignment on shared principles into successful implementation and execution on the ground will not be without its challenges. First, the question is whether the Quad can overcome the issue of narratives which surround its foray into health security cooperation. The Quad's intention to be a regional problem solver is mired in the narrative that the "China threat" is primarily what informs and unites the Quad's regional agenda. Such a narrative continues to solicit a muted reception for the Quad from countries in Southeast Asia. The Quad needs to urgently provide reassurance that it does not intend to use regional countries as pawns in big power competition, nor engage with ASEAN with the intention of merely using it as an instrument to contain China. This will be no easy feat owing to the regional wariness towards the geopoliticisation of health.

What the Quad can do, however, is to remind the region that it did not come back to compete with China, but has always been present in the Indo-Pacific, albeit not under the "Quad" branding. After all, the Quad dates its origins to the Indian Ocean tsunami of 2004 when the United States, Japan, Australia and India formed the Tsunami Core Group to coordinate humanitarian assistance and disaster relief (HADR) efforts. Therefore, in keeping with its HADR roots, the grouping's emphasis

on deepening collaboration and building links between response agencies to provide timely and effective HADR support to the region will send an overall picture of a benign Quad presence in the region.<sup>37</sup> As the region sees tangible benefits and HADR assistance over time – such as Quad support to Tongan response and recovery efforts following the January 2022 volcano eruption and tsunami – the Quad might overcome the narratives debate and be able to shed the image of a nakedly China-containment mechanism.

Second, is the issue of managing expectations and promises. If the Quad's flagship Vaccine Partnership is blighted by delays or even a failure to deliver what was promised, it will only serve to drum up the narrative that the grouping's health security initiatives are simply meant as a counter to China's vaccine diplomacy in the region. The Quad cannot afford such loss of credibility when it already has relatively little to show for with regard to concrete outcomes. New Delhi's sudden ban on vaccine exports, which came just months after the Quad Vaccine Partnership was announced, left regional countries such as Indonesia, Vietnam and Philippines scrambling for alternative supply sources, turning to Russia and China instead. Looking ahead, the Quad has to realistically make an assessment on what it can and cannot promise while managing expectations. Successful implementation of promises on the ground, preferably in coordination with multilateral mechanisms such as COVAX, will speak for the Quad's intentions. The COVID-19 pandemic has afforded an impetus for the Quad to reimagine its role in the Indo-Pacific region, and for the Quad Plus to operate as a flexible ad hoc multilateral mechanism. It remains to be seen if the Quad manages to ride on the momentum, take stock of promises and deliver.

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37. U.S. Department of State. 11 February 2022. Joint Statement on Quad Cooperation in the Indo-Pacific. (<https://www.state.gov/joint-statement-on-quad-cooperation-in-the-indo-pacific/>).

# China's Power Game in the Mekong: Pressure and Inducement

*Le Hong Hiep and Phan Xuan Dung*

The Mekong River – the 10th largest in the world in terms of annual flow volume – is one of Asia's most important transboundary bodies of water. Originating from the Tibetan Plateau in China, where it is known as the Lancang, the river flows through Myanmar, Thailand, Laos, Cambodia, and Vietnam before entering the South China Sea. Its abundant resources are the lifeline of roughly 260 million people living along the river. About 70 million of them reside in the lower Mekong countries – Cambodia, Laos, Thailand, and Vietnam. These riparian states' remarkable growth and socioeconomic development rely immensely on the opportunities provided by the Mekong, including agriculture products, fisheries, hydropower production, navigation routes, and tourist attractions.

However, the ecology of Mekong is facing a multitude of environmental challenges. Vulnerable communities across the Lower Mekong Basin (LMB) have been grappling with diminishing livelihood and growing food insecurity caused by rising temperatures and increased intensity and frequency of droughts and floods. Vietnam's low-lying fertile Mekong Delta region, which produces half of its rice and much of its fruits and aquaculture products, is facing the great risk of rising sea levels and saltwater intrusion. Climate change has caused fish stocks to dwindle in Tonle Sap Lake – the largest body of fresh water in Southeast Asia and the main supply of fish for Cambodia.<sup>1</sup> These impacts have been exacerbated by man-made alterations, such as dam-building, sand mining, unsustainable farming practices, and deforestation.

The alarming ramifications of climate change and human activities on the Mekong call for closer multilateral cooperation among riparian countries. Yet, as

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1. Chanvireak, Mao. 1 June 2021. Tonle Sap Fish Catch Declines Due to Nature and Human Harm. Khmer Times. (<https://www.khmertimeskh.com/50865777/tonle-sap-fish-catch-declines-due-to-nature-and-human-harm/#:~:text=Climate%20change%2C%20he%20said%2C%20has,in%20the%20Tonle%20Sap%20lake>).

China – the most upstream state – seeks to advance its ambitions in the Mekong River, concerns have been raised on whether Beijing and Southeast Asian countries can effectively collaborate on transnational water governance. Against this backdrop, various major-power-led mechanisms are vying for influence in the Mekong sub-region. These include the China-led Lancang-Mekong Cooperation (LMC), the Mekong-US Partnership (built upon the earlier Lower Mekong Initiative), the Mekong-Republic of Korea Cooperation, the India-led Mekong-Ganga Cooperation, the Mekong-Japan Cooperation, and the Australia-Mekong Water Facility. Meanwhile, ASEAN remains a marginal player in Mekong issues, avoiding being caught in another geopolitical tussle between big powers. The stability and prosperity of the Mekong sub-region, as well as Southeast Asia as a whole, hinge upon stakeholders' management of these unfolding environmental and geopolitical challenges.

This paper examines China's power game in the Mekong – a combination of both pressure and inducement towards the downstream countries. It argues that since the Lancang-Mekong Cooperation is a vehicle for China to consolidate its sphere of influence over the sub-region, the mechanism has not sufficiently addressed transnational water security issues, particularly the impacts of China's hydropower dams. The paper also discusses the response by Southeast Asian countries to Mekong problems and provides recommendations on how ASEAN can play a more significant role in this process.

## **THE MEKONG AS CHINA'S PRESSURE POINT OVER DOWNSTREAM COUNTRIES**

In the Mekong sub-region, China is the hydro-hegemon – the most powerful riparian country in a transboundary river system. Two factors underline China's hydro-hegemony – its location as the most upstream state and its superior military and economic capabilities compared to other riparian states.<sup>2</sup> In the past three decades, China's quest to secure economic and security interests in the Mekong, buttressed by its geographical advantage and superior material power, has exerted considerable pressure on the downstream countries.

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2. Biba, Sebastian. 2021. China's Hydro-Hegemony in The Mekong Region: Room for Improvement. In *The Political Economy of Hydropower in Southwest China and Beyond*. Edited by Rousseau, Jean-François and Sabrina Habich-Sobiegalla. Switzerland: Palgrave Macmillan. p. 216; Zhang, Li and Hongzhou Zhang. 2021. Water Diplomacy and China's Bid for Soft Power in the Mekong. *China Review* 2. (<https://www.jstor.org/stable/48635892>).

Since the 1990s, China has harnessed hydropower from the Mekong River to meet the massive energy demands fuelled by its rapid economic rise. China has built eleven mega-dams in the Lancang and planned to construct several more. China has also financed the construction of various dam projects along the Mekong waterway in Laos and Cambodia, mainly in the tributaries. For China, dam development in the LMB helps enhance its economic linkages with neighbouring countries through infrastructure investment. For the recipient countries in mainland Southeast Asia, hydropower generation helps address their energy needs while providing surpluses for electricity export, thereby facilitating economic development. Proponents of hydropower dams have argued that these facilities may also be used for effective flood and drought management.<sup>3</sup>

However, critics of hydropower development in the Mekong consider China's dam-building spree a threat to the food security and socioeconomic well-being of the sub-region's inhabitants. It is estimated that China's upstream Mekong dams trap at least half of the river's sediment loads needed to sustain fish stocks in Cambodia's Tonle Sap Lake and fertilise rice fields in Thailand and Vietnam.<sup>4</sup> Reduction of sedimentation also induces saltwater invasion and shoreline erosion in Vietnam's Mekong Delta, posing grave risks to agricultural activities and livelihoods. Moreover, upstream dams block the migratory pathways of fish, disrupting the river's biodiversity and depriving local communities of a vital source of protein and income. Over the years, China's negligence of how its dams put strain on the river's resources has generated considerable criticisms from the lower Mekong countries and the international community.

In addition, there is growing evidence that China's dam operations are causing erratic changes in the water flow downstream. For instance, in early 2019, China opened the floodgates of the Jinghong Dam – its furthest dam downstream – for maintenance and triggered floods in Laos and Thailand, which reportedly resulted in crop and fishery losses. Once the repair work was done, China replenished the dam amid a severe drought that hit the Mekong in July 2019, causing a sharp reduction in the water levels downstream.<sup>5</sup> This observation is supported by find-

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3. Biba, Sebastian. 2018. China's 'Old' and 'New' Mekong River Politics: The Lancang-Mekong Cooperation from a Comparative Benefit-Sharing Perspective. *Water International* 43. (<https://doi.org/10.1080/02508060.2018.1474610>). p. 626.

4. Kumm, Matti and Olli Varis. 2007. Corrigendum to 'Sediment-Related Impacts Due to Upstream Reservoir Trapping, the Lower Mekong River'. *Geomorphology* 85. (<https://doi.org/10.1016/j.geomorph.2017.12.021>).

5. Hutt, David. 16 October 2019. Water War Risk Rising on the Mekong. *Asia Times*. (<https://asiatimes.com/2019/10/water-war-risk-rising-on-the-mekong>).

ings by Eyes on Earth (EoE) – a US-based research company specialising in water management. Using satellite data, EoE's 2020 study shows that China's Mekong dams restricted large amounts of water even though China received higher or average precipitation for most of 2019. In addition, EoE's findings indicate that from 1992 to 2019, Chinese dams consistently held back significant quantities of water while downstream countries were in dire need of water to cope with droughts.<sup>6</sup> It should be noted that Mekong water from China's Tibetan Plateau is vital to rice productivity in the LMB, accounting for more than 40 per cent of the river's volume during dry seasons.<sup>7</sup>

China disputed the findings by EoE, but it is apparent that China has now gained *de facto* control of the river through its dam network, making downstream countries dependent on the hydro-hegemon for freshwater supply. In 2016, the Mekong Delta experienced one of the worst droughts in years, prompting Vietnam to ask China for water release from the Jinghong Dam. When Beijing agreed to Hanoi's request, some observers applauded what they saw as a goodwill gesture. However, environmentalists and some government officials argued that the drought was exacerbated by Chinese dams upstream in the first place.<sup>8</sup> This example exemplifies the level of influence China has over the Mekong Delta's fate and how Beijing could use control of water resources as leverage against Hanoi, as well as other downstream countries. As such, some analysts consider the Mekong the "new South China Sea" in the region.<sup>9</sup>

Regardless of the actual impacts of Chinese dams, Beijing has built these facilities without prior consultation with the downstream states. Similar to how China has been unilaterally changing the status quo in the South China Sea before other claimants could react, China has never informed other riparian countries about

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6. Eyler, Brian and Courtney Weatherby. 2020. New Evidence: How China Turned Off the Tap on the Mekong River. Stimson Center. (<https://www.stimson.org/2020/new-evidence-how-china-turned-off-the-mekong-tap>).

7. Adamson, Peter et al. 2009. The Hydrology of the Mekong River. In *The Mekong: Biophysical Environment of an International River Basin*. Cambridge: Academic Press. (<https://doi.org/10.1016/B978-0-12-374026-7.00004-8>).

8. Associated Press. 2 April 2016. Chinese Dams Blamed for Exacerbating Southeast Asian Drought. South China Morning Post. ([https://www.scmp.com/news/asia/southeast-asia/article/1932944/chinese-dams-blamed-exacerbating-southeast-asian-drought?module=hard\\_link&pgtype=article](https://www.scmp.com/news/asia/southeast-asia/article/1932944/chinese-dams-blamed-exacerbating-southeast-asian-drought?module=hard_link&pgtype=article)).

9. See, Wong, Catherine. 2 January 2018. Is Mekong River Set to Become the New South China Sea for Regional Disputes? South China Morning Post. (<https://www.scmp.com/news/china/diplomacy-defence/article/2126528/mekong-river-set-become-new-south-china-sea-regional>).

its dam-building plans but instead presented them with *fait accomplis*.<sup>10</sup> Given the dams' locations within China's territory and the power asymmetry between China and Southeast Asian countries, smaller riparian countries have little leverage to oppose Beijing's dam projects.

Apart from energy interests, China is also keen on pushing for developments in the areas of navigation and transportation. China has long desired to send large cargo ships down the Mekong from Yunnan Province in Southern China to Luang Prabang in Laos. However, such a river trade route is obstructed by the existence of giant rocks and rapids in the Thai stretch of water. China's proposal to blast rocks and dredge parts of the riverbed in northern Thailand to clear the passage dated back to 2001. For years, the idea met with vehement resistance by Thai environmentalists who warned of adverse effects to the river's ecosystem and risks to the country's sovereignty and security.<sup>11</sup> In 2020, the Thai government decided to scrap the Chinese project, citing opposition by local communities and non-governmental organisations, as well as the lack of funding from Beijing.<sup>12</sup>

China has also sought to dispatch patrol boats down the Mekong to ensure river trade security for its ships. After drug traffickers assaulted two Chinese cargo boats on the Thai section of the Mekong in 2011, China immediately spearheaded efforts to enhance law enforcement and security cooperation with Myanmar, Laos, and Thailand. Since then, China has led 113 joint river patrols in the Mekong with these countries.<sup>13</sup> In the past, Beijing pressed Bangkok to allow its patrol boats to operate further downstream, but Thailand resisted due to fear of excessive Chinese strategic and economic influence.<sup>14</sup>

Finally, China's reluctance to join the Mekong River Commission (MRC) has hindered multilateral cooperation on water resources in the sub-region. Comprising of

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10. Biba. China's 'Old' and 'New' Mekong River Politics; Wu, Shang-su. 2020. Lancang-Mekong Cooperation: The Current State of China's Hydro-Politics. In *Minilateralism in the Indo-Pacific*. Edited by Singh, Bhubindar and Sarah Teo. Abingdon: Routledge.

11. AFP. 5 February 2020. Thailand Ditches China-Led Plan to Dredge Mekong River. *The Strait Times*. (<https://www.straitstimes.com/asia/se-asia/thailand-ditches-china-led-plan-to-dredge-mekong-river#:~:text=Beijing%20has%20long%20wanted%20to,%2C%20Thailand%2C%20Cambodia%20and%20Vietnam>).

12. Thepgrampanat, Panarat. 5 February 2020. Thailand Scraps China-Led Project to Blast Open Mekong River. *Reuters*. (<https://www.reuters.com/article/us-thailand-china-idUSKBN1ZZ1T6>).

13. Xinhua. 21 January 2022. 113th Mekong River Joint Patrol Completed. *Xinhuanet*. (<http://www.news.cn/english/20220121/eab098b1021b4faeae3ea374c7f3c9d8/c.html>).

14. Hiebert, Murray. 2021. Upstream Dams Threaten the Economy and the Security of the Mekong Region. *ISEAS Perspective* 2021. (<https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-34-upstream-dams-threaten-the-economy-and-the-security-of-the-mekong-region-by-murray-hiebert>).

Thailand, Laos, Cambodia, and Vietnam, the MRC is the only sub-regional mechanism with the function to build legal frameworks for water management. The 1995 Mekong Agreement that established the MRC underlines member states' determination to cooperate on "sustainable development, utilisation, conservation and management of the Mekong River Basin water and related resources."<sup>15</sup> The MRC has asked China to become a member several times, but China does not want to be bound by rules that primarily serve the interests of downstream states. In other words, as the hydro-hegemon, China has little incentive to allow a multilateral arrangement to constrain its freedom to exploit the Mekong River.<sup>16</sup> China has only remained a dialogue partner of the MRC since 1996.

## THE LANCANG-MEKONG COOPERATION: INDUCING CHINA-LED MEKONG COOPERATION

It would be unfair to characterise China's Mekong politics as entirely uncooperative. In recent years, China has demonstrated its willingness to collaborate with other riparian countries on water resource management. This is part of China's efforts to induce intraregional cooperation through the Lancang-Mekong Cooperation (LMC).

The origin of the LMC can be traced back to 2012 when Thailand proposed a sub-regional dialogue between China and Southeast Asian Mekong countries called International Conference on Sustainable Development in the Lancang-Mekong Sub-Region.<sup>17</sup> Building upon this proposal, in 2014, at the 17th ASEAN-China Summit, Chinese Premier Li Keqiang proposed the LMC as a Mekong cooperative mechanism for comprehensive development. Officially launched in 2016, the LMC pursues a "3+5 cooperation framework," which refers to cooperation on three pillars – political and security issues, economic and sustainable development, and social, cultural and people-to-people exchanges – and five key priority areas, namely connectivity, production capacity, cross-border economic cooperation, water resources, and agriculture and poverty reduction.<sup>18</sup>

The fourth priority area of water resources has featured prominently in the LMC's agenda. The 2016 Sanya Declaration that established the LMC states that

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15. MRCMekong.org. 1995. Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin. (<https://www.mrcmekong.org/assets/Publications/policies/agreement-Apr95.pdf>).

16. Biba. China's 'Old' and 'New' Mekong River Politics. p. 629.

17. Zhang and Zhang. Water Diplomacy and China's Bid for Soft Power in the Mekong. p. 50.

18. LMCChina.org. 2017. 3+5 Cooperation Framework. ([http://www.lmcchina.org/eng/2017-12/14/content\\_41449855.html](http://www.lmcchina.org/eng/2017-12/14/content_41449855.html)).



the initiative seeks to enhance cooperation among members on “sustainable water resources management and utilisation through activities such as the establishment of a centre in China for Lancang-Mekong water resources cooperation to serve as a platform for LMC countries to strengthen comprehensive cooperation in technical exchanges, capacity building, drought and flood management, data and information sharing, conducting joint research and analysis related to Lancang-Mekong river resources.”<sup>19</sup> With substantial financial backing from China, various water-related projects are being implemented or planned within the LMC. The areas of cooperation include basin planning, dam safety, capacity building, and water-related risks.<sup>20</sup>

For Beijing, the LMC serves three functions. First, China could improve its relationship with mainland Southeast Asia amid growing regional and international criticism of its dam-building activities. China was motivated to establish the LMC to repair its reputation, tarnished due to its negligence of Mekong water governance. When water levels in the LMB dropped sharply in April 2010, local people and the international community quickly blamed China’s dam building. China’s soft power in the region was heavily impaired by this particular crisis and subsequent pushback from downstream inhabitants against the adverse social and ecological impacts of China’s hydropower dams.<sup>21</sup> Thus, China was compelled to improve its image among the lower Mekong countries.<sup>22</sup> By establishing the LMC and focusing on water resources as a flagship cooperative area, China demonstrates that it is willing to listen to other riparian countries’ concerns, thereby placating resistance against its influence in the sub-region.

Second, the LMC is part of China’s broader strategy to shape the sub-regional economic and security architecture. Unlike other more rigid institutions such as the MRC, the LMC is based on the “project-oriented model” and the principles of consensus and voluntarism, not predefined rules.<sup>23</sup> Furthermore, the LMC does not have an independent secretariat but only a national secretariat in each member state. Within the LMC’s loose institutional design, China, as the most

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19. Ministry of Foreign Affairs of the People’s Republic of China. 2016. Sanya Declaration of the First Lancang-Mekong Cooperation (LMC) Leaders’ Meeting: For a Community of Shared Future of Peace and Prosperity among Lancang-Mekong Countries. ([https://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/2649\\_665393/201603/t20160323\\_679441.html](https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/201603/t20160323_679441.html)).

20. Zhang and Zhang. *Water Diplomacy and China’s Bid for Soft Power in the Mekong*. p. 51.

21. *Ibid.*

22. Biba. *China’s ‘Old’ and ‘New’ Mekong River Politics*. p. 633.

23. Ministry of Foreign Affairs of the People’s Republic of China. Sanya Declaration of the First Lancang-Mekong Cooperation (LMC) Leaders’ Meeting.

powerful actor, possesses significant leverage over other members and thus could single-handedly set the bloc's agenda, rules, and norms. A case in point is China's push for a development approach to water security under the LMC.<sup>24</sup> The "3+5 cooperation framework" indicates that China favours a comprehensive regional cooperation model that places emphasis on socioeconomic development rather than one that exclusively addresses water security problems. The LMC therefore complements China's broader goal of establishing its sphere of influence in mainland Southeast Asia through aid and investment. Notably, China has been promoting synergy between the LMC and the Belt and Road Initiative (BRI) and using the Asian Infrastructure Investment Bank to fund LMC projects, with an aim to create a China-centred regional order.<sup>25</sup>

Third, China is trying to counterbalance other major powers' clout in the sub-region by leading its own Mekong mechanism. Due to its growing economic and strategic importance in the past decade, mainland Southeast Asia has witnessed the emergence of various Mekong cooperative institutions led by major powers such as the United States, Japan, South Korea, and Australia. China is suspicious of these external players' intentions as they are strategic competitors of China to varying degrees in the Mekong sub-region and beyond. Thus, China is seeking to reassert influence over its periphery by charming other riparian countries with the benefits promised by LMC projects. China's LMC narratives stress a common identity based on shared historical, cultural, and geographical ties among the Mekong countries – a rhetoric aimed at keeping external interference in Mekong affairs at bay.<sup>26</sup>

The above analysis suggests that China seems more concerned with consolidating its sphere of influence over the Mekong sub-region through the LMC rather than actually addressing pressing ecological problems. As Biba observes, the LMC's primary focus appears to be amplifying economic benefits from the river's resources and securing riparian countries' cooperation, with few tangible actions to promote sustainable resource utilisation and preserve the river's ecology.<sup>27</sup>

Indeed, the LMC hardly tackles the issue of Chinese upstream dam operations. China's current and planned dams continue to pose serious risks to the food

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24. Zhang and Zhang. *Water Diplomacy and China's Bid for Soft Power in the Mekong*.

25. Biba. *China's 'Old' and 'New' Mekong River Politics*. p. 634.

26. Gong, Xue. 2020. *Lancang-Mekong Cooperation: Minilateralism in Institutional Building and Its Implications*. In *Minilateralism in the Indo-Pacific*. Edited by Singh, Bhubindar and Sarah Teo. Abingdon: Routledge.

27. Biba. *China's 'Old' and 'New' Mekong River Politics*.

security and environment of the LMB. The lack of data on China's dam activities remains a bane for transnational water cooperation. Although China has demonstrated a higher level of transparency than before the LMC was set up,<sup>28</sup> China's approach has been insufficient to promote effective coordination with the downstream states. Observers have pointed out that China's notifications of major dam operations generally come after the damage has already been done.<sup>29</sup> More importantly, China has not shared the regular operational data of its eleven upstream dams.<sup>30</sup> Such information would not only help the lower Mekong countries cope with the abrupt changes in water levels but would also aid conservation and restoration efforts in the Mekong.<sup>31</sup>

From China's perspective, there is no urgency to improve information sharing among the LMC members. As a hydro-hegemon, Beijing does not need to rely on downstream countries for hydrological data, nor is it reliant on downstream countries' Mekong dam operations for drought and flood management.<sup>32</sup> Moreover, China considers water a sovereign commodity rather than a shared resource that should be distributed equitably to other riparian countries.<sup>33</sup> Thus, water issues are frequently seen through the lens of national security, and Chinese national law continues to restrict relevant data sharing.<sup>34</sup> These considerations explain why China has not advocated for full transparency on dam operations within the LMC.

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28. For example, following international criticism of China's dam projects in 2019, Beijing pledged to share year-round hydrological data with the lower Mekong countries.

29. Strangio, Sebastian. 8 March 2020. Hydropower Dams Have Had 'Profound' Impact on Mekong River, Monitor Claims. *The Diplomat*. (<https://thediplomat.com/2022/03/hydropower-dams-have-had-profound-impact-on-mekong-river-monitor-claims>).

30. As the Mekong's water volume continued to fluctuate unpredictably in 2020 and 2021, the MRC has urged China and other riparian countries to share more data on dam operations. See Strangio, Sebastian. 1 July 2021. Mekong River Commission Calls for Improved Hydropower Data Sharing. *The Diplomat*. (<https://thediplomat.com/2021/07/mekong-river-commission-calls-for-improved-hydropower-data-sharing>).

31. Roney, Tyler. 2 February 2022. Lack of Data on Dam Activity Mars Mekong Governance Efforts. *The Third Pole*. (<https://www.thethirdpole.net/en/regional-cooperation/lack-data-dam-activity-mars-mekong-governance-efforts>).

32. Biba. China's 'Old' and 'New' Mekong River Politics. p. 637.

33. Eyler and Weatherby. New Evidence: How China Turned Off the Tap on the Mekong River.

34. Biba. China's 'Old' and 'New' Mekong River Politics. p. 637.

## ASEAN MEMBERS' RESPONSE TO CHINA'S POWER PLAY IN THE MEKONG

While the lifeline of continental Southeast Asia is under stress, Southeast Asian countries are divided over Mekong issues in general and China's regional ambitions in particular. Divergent interests and threat perceptions of China explain such a lack of unity.

ASEAN has shown a nascent interest in water security challenges facing the Mekong. For example, in August 2021, ASEAN and the MRC held the inaugural biennial Water Security Dialogue to discuss solutions to address water scarcity, water pollution, and water-related disasters across the region.<sup>35</sup> However, compared to the South China Sea dispute, water security in the Mekong has not received sufficient attention from ASEAN, despite the devastating ecological damage and intensifying major-power competition in this part of the region. Maritime Southeast Asian states have largely been indifferent, believing that the Mekong issues should be addressed within sub-regional frameworks. Moreover, most ASEAN members, with the exception of Vietnam, do not wish to politicise or securitise the Mekong for fear of irritating China and being entangled in another arena of major-power competition. Thus, the Mekong issues remain the primary concern of only a few sub-regional states and have been largely left outside of ASEAN's institutional purview.<sup>36</sup>

Even the riparian countries differ in their perceptions of China's influence in the Mekong. Laos and Cambodia are considered the most pro-China among Southeast Asian countries and would not want to upset China over water resources. Both have zealously embraced China's growing regional economic footprint, taking massive loans and investments from Beijing, including in the hydropower sector. All major hydropower projects in Cambodia have been constructed by Chinese firms and funded primarily by China Eximbank and China Development Bank.<sup>37</sup> In a bid to become the "battery of Southeast Asia" to export electricity to neighbouring coun-

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35. MRC Mekong. org. 18 August 2021. ASEAN, Mekong River Commission to Convene Inaugural Water Security Dialogue. (<https://www.mrcmekong.org/news-and-events/news/pr-20210818/#:~:text=Vientiane%2C%20Lao%20PDR%2C%2018%20August,water%20security%20across%20the%20region>).

36. Hoang, Thi Ha and Farah Nadine Seth. 1 June 2021. The Mekong River Ecosystem in Crisis: ASEAN Cannot Be a Bystander. Fulcrum. (<https://fulcrum.sg/the-mekong-river-ecosystem-in-crisis-asean-cannot-be-a-bystander>).

37. Bo, Mark. 6 May 2021. Chinese Energy Investment in Cambodia: Fuelling Industrialisation or Undermining Development Goals. The People's Map. (<https://thepeoplesmap.net/2021/05/06/chinese-energy-investment-in-cambodia-fuelling-industrialisation-or-undermining-development-goals>).

tries, Laos has taken on huge debts from China to build hydropower dams. Beijing has funded half of Lao's 60 planned dams along the Mekong and its tributaries.<sup>38</sup>

Laos's insistence on building dams without due regard for the environmental consequences to other riparian countries also prevents the lower Mekong countries from having a united voice. In 2012, despite opposition by the MRC and civil society, Laos commenced the construction of the Xayaburi Dam in its section of the Mekong. Similarly, Laos pushed ahead with building the Don Sahong Dam near the Cambodian border, ignoring other MRC members' request for more time to study the potential impacts of the dam.

Compared to the other two riparian countries, Thailand and Vietnam have been more suspicious of China's intentions in the Mekong. China's desire to clear the river's passage for its vessels to reach downstream countries has sparked public opposition in Thailand. In addition, Thai officials and environmentalists are particularly alarmed by the construction of the China-backed Sanakham Dam in Laos' section of the Mekong due to the project's potential social, environmental and security repercussions for Thailand.<sup>39</sup>

As the most downstream country, Vietnam is also concerned about the detrimental effects of upstream dams on its Mekong Delta. Hanoi has long opposed Vientiane's plan to build dams in the Mekong. Viewing China as a source of security threats, Vietnamese policymakers fear China's potential use of its control over the Mekong as a bargaining tool. Therefore, Vietnam has been keen on raising the Mekong's profile within ASEAN, especially during its ASEAN chairmanship in 2020.

Despite their discontent with China's actions in the Mekong, Vietnam and Thailand are still on board with the LMC to reap the benefits it offers while avoiding jeopardising their ties with China.<sup>40</sup> The two countries' import of electricity from Laos and their participation in some dam projects there have also constrained their ability to speak up against upstream dam-building activities in the Mekong.

There is, however, a commonality among the lower Mekong countries in their Mekong politics. While supporting the China-led LMC, these countries have also welcomed the presence of external players. Southeast Asian countries are adept at enmeshing multiple major powers in the regional architecture to maximise

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38. Hiebert. Upstream Dams Threaten the Economy and the Security of the Mekong Region.

39. Avary, Max. 21 December 2021. Planned Lao Dam Raises Concerns in Thailand over Impacts on Shared Border. Radio Free Asia. (<https://www.rfa.org/english/news/laos/dam-12212021155829.html>).

40. Po, Sovinda and Christopher B. Primiano. 2021. Explaining China's Lancang-Mekong Cooperation as an Institutional Balancing Strategy: Dragon Guarding the Water. *Australian Journal of International Affairs* 75. (<https://doi.org/10.1080/10357718.2021.1893266>). p. 338.

benefits while ensuring that no single major power can become too dominant.<sup>41</sup> The same strategy can be observed in the Mekong sub-region. Vietnam has actively cushioned external development partners' involvement in the sub-region to counterbalance China's growing economic clout and hydropower development.<sup>42</sup> Even Laos and Cambodia have sought to embrace the role of China's strategic competitors – such as the United States, Japan, and Australia – in helping the sub-region with infrastructure development, sustainable economic growth and water security issues.

## CONCLUSION

As the Mekong hydro-hegemon, China has put pressure on downstream countries with its dam-building spree and plans to create a safe river route for its vessels while refusing to join the MRC. At the same time, China has induced subregional cooperation through the LMC, demonstrating some degree of willingness to work with the downstream countries on water-related problems. However, since China is more interested in consolidating its influence over mainland Southeast Asia than addressing the damming issue, the LMC has largely failed to promote equitable and sustainable water management in the Mekong. In the absence of ASEAN's leadership, outside powers have made forays into the Mekong sub-region to provide aid and assistance to mainland Southeast Asian countries, vying for influence with China.

ASEAN cannot afford to remain a bystander amidst growing major-power competition in the Mekong. The existence of exclusive blocs led by non-ASEAN countries is at odds with ASEAN's centrality and the bloc's championship of inclusive multilateralism in the region. Competing spheres of influence could easily spiral into frictions among the major powers, threatening the peace and stability of not only the sub-region but also Southeast Asia as a whole. Moreover, Southeast Asian riparian countries risk becoming more dependent on outside resources, which undermines their strategic autonomy and ASEAN centrality. China has already been able to tip the scale in its favour in water governance through the LMC. Many analysts have warned that Beijing could step up its economic and strategic influence over the Mekong countries and leverage its *de facto* control of the river to

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41. Goh, Evelyn. 2007. Great Powers and Hierarchical Order in Southeast Asia: Analyzing Regional Security Strategies. *International Security* 32. (<http://www.jstor.org/stable/30130520>).

42. Phan, Xuan Dung. 3 March 2021. Vietnam's Mekong Middle Power Diplomacy. *Fulcrum*. (<https://fulcrum.sg/vietnams-mekong-middle-power-diplomacy>).

influence ASEAN members' stance on other issues related to China, particularly the South China Sea dispute.<sup>43</sup>

ASEAN's dormant response to the Mekong issues will only reinforce the divide between mainland and maritime Southeast Asian countries, jeopardising the bloc's own efforts to promote intraregional solidarity. Moreover, the socioeconomic consequences of the Mekong's environmental degradation are not limited to the sub-region. Food insecurity should be a source of concern for the whole region since more than 60 per cent of Southeast Asian maritime states' rice imports come from continental Southeast Asia.<sup>44</sup> Humanitarian crises caused by droughts and floods, land erosion, and food scarcity in the Mekong region would ripple across the Southeast Asian social, economic, and security orders.

The unfolding geopolitical dynamics and ecological crisis in the Mekong necessitate a more unified and proactive approach by ASEAN. First, ASEAN needs to consistently include the Mekong issues in its agenda. Through its inclusive and neutral dialogue platforms, ASEAN could exercise leadership in mediating great-power rivalries and keeping all relevant stakeholders engaged. ASEAN's dialogue partners and the major powers involved in the Mekong – such as China, the United States, Japan, Australia, and South Korea – would have opportunities to exchange views on Mekong issues to better manage their competition. At the same time, Mekong countries could lobby for greater diplomatic and financial support from other member states and dialogue partners to help them better manage environmental and geopolitical risks.

Second, given the harmful impacts of hydropower dams, ASEAN should facilitate a regional transition to non-hydro power alternatives. Mainland Southeast Asia possesses a promising potential to develop solar, wind, biomass, and biogas energy.<sup>45</sup> Vietnam has already taken the lead in developing wind and solar energy capacities to diversify its energy sources. Hanoi could leverage its ties with Cambodia and Laos to persuade them to do the same. Lessening dependence on hydropower means that the lower Mekong countries could reduce the need for China-funded dam projects, thereby enhancing their autonomy and lowering the

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43. Wu. Lancang-Mekong Cooperation: The Current State of China's Hydro-Politics. pp. 78-79; Xue. Lancang-Mekong Cooperation: Minilateralism in Institutional Building and Its Implications. p. 67.

44. Hoang, Thi Ha and Farah Nadine Seth. 19 May 2021. Why ASEAN Needs to Care about Mekong Issues like It Did with Haze. South China Morning Post. (<https://www.scmp.com/week-asia/opinion/article/3133963/why-asean-needs-care-about-mekong-issues-it-did-haze>).

45. GreaterMekong.org. 2017. Renewable Energy in the Greater Mekong Subregion: A Status Report. Greater Mekong Subregion. (<https://www.greatermekong.org/renewable-energy-greater-mekong-subregion-status-report>).

pressure placed on the Mekong River. This would also alleviate tensions among MRC members regarding dam construction. Consequently, MRC members could reach a more unified stance on transnational water governance to negotiate with China on dam-building and data sharing issues.

Finally, ASEAN should support research activities into the Mekong's environmental and geopolitical challenges. An area of particular importance is the correlation between Chinese dam operations and severe droughts in the LMB. EoE's 2020 study suggests a causal relationship, but its objectivity has been questioned as it was funded through the US-led Lower Mekong Initiative.<sup>46</sup> However, a study sponsored by a neutral party like ASEAN would be more acceptable to policymakers in the region and beyond. Detailed analyses of how the ecological degradation of the Mekong and major-power rivalries in the sub-region could affect the broader region are also necessary. They would help Southeast Asian policymakers better grasp the consequences of ASEAN's missing centrality on the Mekong River's problems and, therefore, be compelled to take actions to safeguard the future of this vital waterway.

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46. Grünwald, Richard. Lancang-Mekong Cooperation: Overcoming the Trust Deficit on the Mekong. ISEAS Perspective 2021. ([https://www.iseas.edu.sg/wp-content/uploads/2021/06/ISEAS\\_Perspective\\_2021\\_89.pdf](https://www.iseas.edu.sg/wp-content/uploads/2021/06/ISEAS_Perspective_2021_89.pdf)). p. 6.





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