

The Reconstruction of the Silk Road

Contesting Norms and Challenging the Cohesion of European Union Foreign Policy

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Abstract*

This article analyses the European Union's (EU) and its member-states' responses to the Belt and Road Initiative (BRI) and addresses norm contestation in Sino-European discourse regarding the primary institutions (PI) of sovereignty, international law, and market economy. The article combines the toolset of the English School with norm contestation theory. The findings show evidence for norm contestation and increasing tension in Sino-European discourse and relations since the beginning of Xi Jinping's presidency. Moreover, the article illustrates that the BRI, while at first a projection screen for norm contestation, eventually became subject to contestation itself. The article argues that the identified norm contestation is rooted in a clash between liberal-solidarist interpretations of PIs and Chinese pluralist interpretations and that the variegated European responses to the BRI demonstrate the challenges the initiative presents to cohesion in EU foreign policy. Lastly, the article demonstrates that in contesting liberal-solidarist interpretations of PIs, China is resisting European solidarization and arguably proposing a pluralist alternative to a liberal-solidarist order.

Introduction

Since its inception in 2013, the BRI has become a household name for interaction with China in many different spheres. In short, the initiative is China's contemporary foreign policy framework under President Xi, based on strengthening the transport and trade connections along the ancient Silk Road, and beyond, through bilateral agreements and investments in infrastructure. Scholarship dealing with the BRI has been focused on both realist and liberal approaches to analyze a variety of global and regional settings and investigate questions of geopolitical, economic, and financial impact.¹ Some scholars have criticized the

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emphasis on realism and liberal theory in BRI studies, arguing that “neither perspective can shed light on the conceptual challenges that Chinese proposals present for world politics, assuming instead that China either wants to cooperate (the liberal argument) or conquer (the realist argument).”² This critique of the state-of-the-art provides grounds for investigating, paraphrasing Karin Marie Fierke and Francisco Antonio-Alfonso, how China is possibly reconfiguring the normative fabric of global politics through the BRI. It is this puzzle that is at the center of the presented research.

Departing from studying the BRI in realist or liberal terms allows for adopting new analytical tools to understand the BRI’s implications beyond a debate focused on China as a revisionist or status-quo power. To address the mentioned puzzle of possible reconfiguration of normative fabric, this article deploys English School theory (ES), with its main concepts of international society as “a group of states, conscious of certain common interests and common values”³ and PIs as these “patterned practices, ideas and norms/rules.”⁴ These PIs are polysemic in their meaning, i.e. their interpretation on part of statespersons depends on the respective (regional) context.⁵ Or put differently, international societies on a regional level can have different interpretations and related practices of PIs, e.g., Western-liberal interpretations. This article utilizes the differentiation between solidarist and pluralist interpretations of PIs as a further analytical tool in the study of Sino–European discourse.⁶ The salient difference is that “[a] pluralist international society builds on a rather thin and weak basis of shared norms and values”⁷ and that “a thicker basis of shared norms and values underpins a solidarist international society, in which the universalization of ideas beyond national borders becomes possible and desirable.”⁸ In a pluralist international society, the norms of nonintervention and respect for national sovereignty are paramount, bearers of rights and duties are states alone, and humanitarian intervention and universal human rights are consequently regarded as problematic.⁹ In contradistinction to that, a solidarist conception of international society ascribes rights and duties related to international law also to individuals, and sovereignty is more relational to global governance in the sense of the UN.¹⁰ These solidarist and pluralist frames impact not only perception and practice of PIs but also play into interstate relations when actors promote contesting interpretations of PIs. The notion of solidarization of international society “implies a reinterpretation of national sovereignty in terms of a distinct and more far-reaching definition of responsibilities and duties of states towards each other and vis-à-vis individuals inside and outside their own territories,”¹¹ and the EU shows solidarizing tendencies in its outward behavior.¹² Similarly, pluralization would imply a reinterpretation of PIs in line with a pluralist conception of international society. It is these analytical

tools that allow uncovering substantive disagreement regarding interpretations of PIs in Sino–European discourse, i.e., norm contestation in the context of the normative fabric of global politics. The understanding of norm contestation between actors from different regional international societies (RIS) is aligned with the *theory of contestation*, i.e., norm contestation is considered as a social practice with normative, or norm-generative, dimensions.¹³ The analysis focuses on norm contestation in the sense of the actors promoting differing interpretations of PIs or opposing one another’s interpretations or related practices. These actors are the EU as a global actor, Germany and Italy as two of the 27 EU member states (EU27, since the exit of the United Kingdom), and China, as the initiator of the BRI. Germany and Italy carry special relevance for the BRI’s goal of connecting China with Europe. Germany marks the nodal point for the Silk Road Economic Belt, and Italy, as the occidental end of the historic Silk Road, marks the nodal point for the twenty-first-century Maritime Silk Road. Their selection as EU27 cases draws on this geo-economic relevance to the BRI. The chosen actors are members of different theorized RISs. The EU, Germany, and Italy represent geographical Western Europe and European RIS (ERIS),¹⁴ while China is located in East Asia and an arguably prominent, possibly dominant, member of an East Asia RIS (EARIS).¹⁵ The PIs under investigation are *sovereignty* and *international law* as the pillars of international society.¹⁶ Further, the *market economy*, as an institution bearing great relevance to the BRI itself and being the one that China has arguably embraced above all, is examined as the third PI for this study. These three PIs are further explicated in section three. This article contributes to the diversification of theoretical approaches to the study of the BRI and its global impact. Within the ES, it adds to the further study of RISs and the respectively differing, polysemic interpretations of PIs. The findings show that the BRI developed from a theme for cooperation to a projection screen for substantial disagreements regarding values and principles, ending up as subject to contestation itself. Sino–European relations can be divided into three distinct phases between 2013 and 2019, with an emerging fourth one, each characterized by different defining themes and changing receptions of the BRI. This article argues that, firstly, the BRI increasingly presented a challenge to EU cohesion and unity, especially in member states’ foreign policies vis-à-vis China. Secondly, that substantive disagreements between China and the EU, Germany, and Italy were based in a clash of pluralist and solidarist interpretations of *sovereignty*, *international law*, and the *market economy* and differing related practices. Thirdly, that the relations between China and the EU and Germany became increasingly contested throughout the phases, while Sino–Italian relations developed amicably. Furthermore, that in contesting solidarist interpretations of PIs, China is resisting solidarizing tenden-

cies of members of ERIS and arguably proposing an alternative, pluralist order to a (European) liberal-solidarist one. These findings have clear policy relevance, and this article makes a case for experts and practitioners in the field of security and foreign affairs to adopt new analytical tools beyond realism and liberal theory to analyze and fully grasp the ramifications of contemporary Chinese foreign policy and the BRI for Western-liberal order.

This article is structured into four sections, with the following one discussing the reception of the BRI by the EU and its member states. The third section focuses on contestations of sovereignty, international law, and the market economy in Sino–European discourse between 2013 and 2019. The last section provides a conclusion and discusses implications for international relations, both as a discipline and in practice.

European Responses to the BRI

In this section, the findings regarding the BRI in Sino–European discourse are briefly presented and put in context to recent bilateral developments between EU27 member states and China. The chronological analysis of empirical material yielded three distinct phases of Sino–European relations between 2013 and 2019, with a fourth one commencing in late-2019. The phases are termed: *Anno BRI: Xi Era Begins* (2013–2015), *Chinese and European Strategic Currents* (2015–2016), *Facing Variegated European Winds* (2016–2019), and *A Japanese–European BRI Alternative* (from late 2019). These phases are characterized by a differing role of the BRI in Sino–European discourse and increasingly diverging responses from EU27 member states. The findings point to the BRI increasingly presenting a challenge to cohesion in EU foreign policy and adherence to guiding principles set forth by the European Commission (EC) for EU27 member states to consider in their national foreign policy strategies.

During *Anno BRI: Xi Era Begins*, the BRI arguably arrived in Sino–European discourse at the occasion of Xi’s visit to Europe in 2014, when he met with European Council (EUCO), Pres. Herman Van Rompuy and EC Pres. José Manuel Barroso. In a joint statement issued after the meeting, the three statesmen declared, “In view of the great potential to improve their transport relations, both sides decided to develop synergies between China’s ‘Silk Road Economic Belt’ initiative and EU policies and jointly to explore common initiatives along these lines.”¹⁷

This first mention of the BRI in (Sino–)EU discourse came at a timely point, as the BRI physically reached the EU with the opening of the YuXinOu freight train connection from China to Germany at this time. In this first phase, the dominant theme in Sino–European discourse was economic cooperation, exemplified by the beginning of negotiations for an investment agreement between

China and the EU, and the BRI was not part of norm contestation regarding interpretations of PIs.

With the publication of a white paper in March 2015, China provided a clear outline of its conception and perception of the BRI and its role in contemporary Chinese foreign policy.¹⁸ It arguably marked the beginning of a second phase, *Chinese and European Strategic Currents*, in Sino–European relations, stating, “The Initiative is harmonious and inclusive. It advocates tolerance among civilizations, respects the paths and modes of development chosen by different countries, and supports dialogues among different civilizations on the principles of seeking common ground while shelving differences and drawing on each other’s strengths, so that all countries can coexist in peace for common prosperity.”¹⁹

It is important to read this statement with the distinction between solidarist and pluralist frames in mind. That is to say, the relevant message here is arguably the emphasis on respect for sovereign choices of countries in their domestic matters. Moreover, the reference to the inclusiveness of the BRI is not unconditional, as China also put forward “terms of affiliation”: “They [countries along the Belt and Road] should promote policy coordination, facilities connectivity, unimpeded trade, financial integration and people-to-people bonds as their five major goals.”²⁰

Despite the BRI being described as “open to all countries, and international and regional organizations”²¹ with the overall aim of “[promoting] the connectivity of Asian, European and African continents and their adjacent seas,”²² the five mentioned pillars have to be understood not through a Western-liberal or liberal-solidarist frame but from a Chinese pluralist one. The BRI arguably became a projection screen for the disagreements over issues such as reciprocity in foreign direct investment (FDI) regulations and foreign companies’ access to the Chinese market within the EC’s strategy paper on China toward the end of *European and Chinese Strategic Currents*, which stated, “Co-operation with China on its ‘One Belt, One Road’ initiative should be dependent on China fulfilling its declared aim of making it an open platform which adheres to market rules and international norms in order to deliver benefits for all.”²³

An open letter in February 2017, signed by Germany, Italy, and France, calling for FDI screening mechanism for the EU is considered as the second turning point in Sino–European relations at the time and as the beginning of *Facing Variegated European Winds*.²⁴ The respective responses to the BRI changed yet again in this third phase, with the EC reiterating the conditions for cooperation and detailing the meaning of “adhering to international norms” as “EU and international requirements, and [complementing] EU policies and projects.”²⁵ President Xi hosted the first Belt and Road Forum in May 2017. At the occasion, no EU representative co-signed the Leaders’ Roundtable joint communique as the EU’s requirements

and concerns were addressed in the document.²⁶ German minister for economic affairs and energy Brigitte Zypries reportedly commented in a press briefing at the summit that “so far the demands of the EU countries in areas such as free trade, setting a level playing field and equal conditions have not been met”²⁷ and that “therefore we say at the moment, if that does not happen, then we cannot sign.”²⁸ The Italian prime minister Paolo Gentiloni, who in contrast to Zypries did sign the joint communication, boiled down the Italian response to the BRI to its essence: “I would say that the fact that the Chinese President has confirmed their intention to include Italian ports among the ports on which to invest in this gigantic investment program as Silk Road terminals is important. . . . In particular, we are talking about the expansion of the ports of Trieste and Genoa, connected as they are to the railway and highway system that reaches the rich heart of Europe.”²⁹

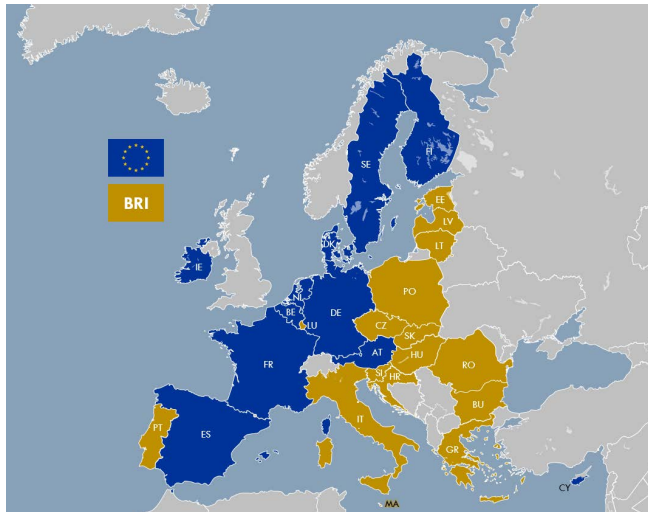


Figure 1. EU27 cooperation under BRI framework (2019)

These developments arguably demonstrated two things. Firstly, the BRI had become subject to contestation itself—that is from the EU and Germany. Secondly, Sino–Italian relations were developing juxtaposed to relations between the EU and Germany and China. This argument is underlined by Italy’s responses to the BRI in discourse throughout the three phases and Rome’s formal affiliation with the BRI framework in March 2019.³⁰

The implications of a European founding member going against the majority within the EUCO and the EC’s proposed foreign policy guidelines for EU member states are manifold. The German foreign minister (FM) Heiko Maas commented that “a single country must not have the opportunity to always block all others,”³¹ which arguably gave expression to the challenge that the Italian position and presumably voting in the EUCO regarding a joint EU position and policy on

the BRI presented to the bloc. Maas found frank words concerning EU unity vis-à-vis China: “In a world with giants like China, Russia, or our partner the US, we can only persist when, as EU, we are unified. And if some countries believe one can do clever business with the Chinese people, they will be surprised and eventually wake up in dependencies. Short-term lucrative offers get a bitter aftertaste faster than expected. China is not a liberal democracy.”³²

Looking beyond Brussels, Berlin, and Rome, it becomes apparent that the Italian response to the BRI is not a singular occurrence. By 2019, 16 of the 27 EU member states had signed agreements with Beijing for cooperation under the BRI framework.³³ The resulting division among EU member states regarding the BRI is striking and further underlines the challenge that China has, arguably successfully, laid out for the bloc’s cohesion in its external relations.

Bearing in mind the rules of unanimity within both the EUCO and the Foreign Affairs Council, it becomes clear that a unified response from the bloc to the BRI seems unlikely at this point. However, the EC as an organizational actor has far-reaching competencies within EU foreign policy and in negotiating foreign relations and agreements. Exemplary cases in response to the BRI are the 2018 Economic Partnership Agreement and the 2019 Partnership on Sustainable Connectivity and Quality Infrastructure.³⁴ The language used by then-EC president Jean-Claude Juncker and Japanese prime minister Shinzo Abe and within the agreement itself bears a striking resemblance to that of China and the BRI but with a Western-liberal or liberal-solidarist framing of PIs. The BRI framework speaks of respect for different chosen development paths, civilizational differences, and of “seeking common ground while shelving differences.”³⁵ The EU–Japan framework copies the BRI’s five pillars and adds that cooperation with other countries will “fully [take] into account partners’ needs and demands and paying utmost attention to their fiscal capacity and debt-sustainability.”³⁶ This is arguably a reiteration of the bloc’s critique of dependency and exploitation regarding the BRI. In the agreement, the EU and Japan also express their desire to “to promote openness, transparency, inclusiveness and a level playing field for those concerned, including investors and businesses in connectivity”³⁷ and in doing so reiterate the aforementioned points of critique regarding the BRI. Moreover, the reference to “free, open, rules-based, fair, non-discriminatory . . . trade and investment, transparent procurement practices, the ensuring of debt sustainability and the high standards of . . . environmental sustainability”³⁸ gives expression to liberal-solidarist interpretations of PIs. In a press conference, Prime Minister Abe refers to “common values and principles”³⁹ between the EU and Japan that underpin their relation and subsequently names “democracy,” “the rule of law,” “human rights,” and “freedoms” as these common values. While neither China nor the BRI was directly

invoked, President Juncker made clear that the EU and Japan were pitching to the world an alternative to the BRI framework and possible future dependency on China: “Connectivity must also be financially sustainable. It is about handing down to future generations a more interconnected world, a cleaner environment and not mountains of debt. It is also about creating more interconnections between all countries around the world, not more dependence on one country.”⁴⁰

The changing role of the BRI in Sino–European discourse is considered emblematic of Sino–European relations becoming more confrontative between 2013 and 2019. The BRI had become subject to contestation itself due to fundamental disagreements regarding values and principles—PIs—among the EU, certain member states, and China. At the same time, the responses by EU member states toward the BRI increasingly diverged. By the end of 2019, as many as 16 of the EU27 had affiliated with China’s framework while others, including Germany and France, and the EC had openly opposed the initiative, proposing an alternative in line with their liberal-solidarist values and principles. Moreover, this article argues that the BRI illuminates the caveats of partial integration of the bloc and increasingly presented, and presents, a challenge to EU cohesion and unity especially regarding member states’ foreign policies vis-à-vis China.

Table 1. Four phases of Sino–European relations (2013–2019)

Phases and Turning Points	Defining Themes	Role of BRI
Anno BRI: Xi Era begins (2013–2015)	China’s extensive reform plans, civilization-difference argument and human rights, Sino–European cooperation	BRI as opportunity BRI plays a minor role in Sino–European discourse and contestation
* EU–China joint strategy & BRI whitepaper		
Chinese and European Strategic Currents (2015–2016)	Strategic partners for long run, steel overcapacity, state subsidies, reciprocity regarding FDI	BRI as projection screen China publishes BRI ‘terms of affiliation’, EU & Germany point to substantial disagreements, Italy open to cooperation
* KUKA takeover & EU triumvirate letter		
Facing Variegated European Winds (2017–2019)	FDI screening mechanism, protection of critical infrastructure, sharp language “systemic rivalry”	BRI as subject of contestation China reiterates pluralist nature of BRI framework. EU & Germany openly contest BRI, while Italy signs MoU
* EU–Japan Connectivity Agreement		
A Japanese–European BRI Alternative (from late 2019)	Counterinitiative complying with liberal-solidarist interpretations of sovereignty, international law, and market economy	BRI as competitor EU and Japan agree on alternative Eurasian connectivity initiative that emphasizes liberal values

Recalling the puzzle of how China might be reconfiguring the normative fabric of global politics, a look beyond the BRI as a framework for cooperation and infrastructure development is in order. Thus, if it is these values and principles that are at the core of fundamental disagreements among China and the EU, the latter's member states, and also Japan, then the differences of values and principles require special attention. The following section investigates the differing frames, ideas, and values that underpin the self-conceptions of statespersons on both the Chinese and European sides and analyses how these differences are woven into Sino–European discourse.

Norm Contestation in Sino–European Discourse

An analysis of Sino–European discourse from 2013 to 2019 shows that there is substantial disagreement regarding the PIs of sovereignty, international law, and the market economy and that actors were contesting one another's interpretation in their discourse. The following three subsections provide relevant examples of this contestation and capture the defining themes that norm contestation manifested around. Moreover, the differences in (Western) liberal-solidarist and (Chinese) pluralist interpretations and frames of PIs are highlighted. These insights can help practitioners of international relations hone their analyses of state discourse regarding norms and values and provide the necessary mental flexibility to change perspective to grasp the respectively other's perspective.

Sovereignty

Sovereignty as the “defining quality of states”⁴¹ refers to the notion that states do not accept a higher authority in conducting their affairs; it also represents a fundamental attribute to determine membership in (regional) international society.⁴² Moreover, human rights (HR) and individuals as holders of rights and duties are a focal point of liberal-solidarist conceptions of sovereignty, and the promotion of global, universal HR—solidarization—is a central practice related to liberal-solidarist interpretations of sovereignty.⁴³ However, a pluralist conception of sovereignty emphasizes the adherence to practices of nonintervention, territorial integrity, and self-determination.⁴⁴

At the beginning of his presidency, Xi Jinping outlined China's interpretation of sovereignty as absolute both in internal and foreign affairs at the G20 summit: “We respect the development paths and domestic and foreign policies chosen independently by the people of every country. We will in no circumstances interfere in the internal affairs of Central Asian countries. We do not seek to dominate regional affairs or establish any sphere of influence.”⁴⁵

The emphasis on self-determination in relation to the choice of development path and noninterference in other countries' internal affairs is an example of a pluralist interpretation of sovereignty. The contrast in interpretation and practice of sovereignty arguably becomes clear from EUCO President Van Rompuy's statement at the 2013 EU–China Summit: “The protection of human rights and fundamental freedom is at the core of the existence of the EU itself and constitutes an important part of our exchange with all our partners. There is no doubt that through lifting millions of people from poverty China has made key contributions in this field. . . . We discussed today questions related to the protection of minorities and freedom of expression especially on defenders of human rights and I expressed our concerns.”⁴⁶

This expression of the EU's self-conception as a protector of universal HR and the voiced criticism toward China demonstrates the substantive disagreement with Chinese practice. In the context of styling the EU as a “protector of HR,” such open contestation of China's domestic HR situation can arguably be seen as an example of solidarizing tendencies in the EU's approach to China.⁴⁷ While China consistently reiterated that it “will never seek hegemony or expansion,”⁴⁸ Xi made it clear that “China will firmly uphold its sovereignty, security, and development interests. No country should expect China to swallow the bitter fruit that undermines its sovereignty, security and development interests.”⁴⁹ This positioning strengthens the argument that noninterference is of paramount importance within EARIS,⁵⁰ and that “the practice [of sovereignty] in ASEAN [Association of Southeast Asian Nations] seems to go beyond international standards. . . . Within ASEAN, the practice seems . . . to question the right of a state to even comment on what another state does within what the latter considers to be domestic jurisdiction.”⁵¹

Speaking at the UNESCO headquarters in Paris, Xi provided insights to the reasoning behind China's perception of sovereignty—namely that “civilizations have come in different colors,”⁵² that “all human civilizations are equal in terms of value,”⁵³ and, thus, “no one civilization can be judged superior to another.”⁵⁴ The final point he made is China's inclusiveness in the sense that “copying other civilizations mechanically or blindly is like cutting one's toes just to fit his shoes, which is not only impossible but also highly detrimental.”⁵⁵ This article terms this discursive practice as the *civilization-difference argument*, which is shown to be a recurring way in which China is contesting or resisting solidarizing tendencies. The understanding and practice of sovereignty within ERIS differs from the Chinese reading: internally member states are pooling their respective sovereignty.⁵⁶ The EU's policy on China, adopted in 2016, arguably demonstrated this (internal) reading of sovereignty. The policy made clear that “[the] EU must project a strong,

clear and unified voice in its approach to China”⁵⁷ and that “Member States should reinforce agreed EU positions in their bilateral relations with China, while the Commission and the EEAS [European External Action Service] should ensure that Member States are made aware when EU interests need to be safeguarded.”⁵⁸ The call for “EU coherence and cohesiveness is vital on the big policy choices and on the maintenance of the rules-based international order”⁵⁹ vis-à-vis China further illustrated the practice of pooled sovereignty also in a foreign policy context.

The discourse surrounding the condition of HR in Xinjiang province, specifically the internment of Uyghurs in reeducation camps, provides a further example for substantive disagreements related to the interpretation of sovereignty. Following a debate in the German Bundestag on the matter, the Chinese embassy issued a serious *démarche*, strongly protesting that the “Bundestag’s arbitrary allegations, . . . constitute a blatant intrusion into domestic affairs and a gross violation of China’s sovereignty.”⁶⁰ China’s invocation of the civilizational-difference argument—“Germany and China have a very different history and culture, and the understanding of Human Rights is not the same”⁶¹—in the context of defending “itself against the politicization and instrumentalization of Human Rights”⁶² arguably provides an example for resistance to or contestation of solidarizing efforts on the part of Germany and the EU. Substantive disagreements regarding the interpretation and practice of sovereignty could not be identified in Sino-Italian discourse.

International Law

International law is “the bedrock institution on which the idea of international society stands or falls.”⁶³ It is the “Volume of Sacred Law” of the international society in the sense that within international law, the agreed-upon norms and rules are codified so that they can serve as the reference for determining legitimate state behavior and legitimacy in international relations for all members. The UN Charter and the UN Security Council (UNSC) are central to this codification of common institutions on a global level.⁶⁴ There exist further treaties and secondary organizations related to international law such as in the (solidarist) European legal system and the European Court of Justice on a subglobal level.⁶⁵

The friction between Chinese and European conceptions of international law found expression in China’s position paper for the 69th Session of the UN General Assembly: “It is the goal of all countries to achieve the rule of law at the national and international levels. At the national level, countries are entitled to independently choose the models of rule of law that suit their national conditions. Countries with different models of rule of law should learn from each other and seek common development in a spirit of mutual respect and inclusiveness.”⁶⁶

Recalling the third point of the civilization-difference argument—inclusiveness—reveals that the same was deployed here when China stated that there were different models of rule of law in different countries. This is in line with a pluralist interpretation of international law and strongly relates to the previously explicated Chinese practice of sovereignty on the national level. Looking at the international level, China stated, similar to the definition found in the joint declaration between President Xi and German chancellor Angela Merkel,⁶⁷ that “it is necessary to uphold the authority of the UN Charter, and strictly abide by universally recognized principles of international law such as sovereign equality and non-interference in others’ affairs.”⁶⁸

It is necessary to look at the respectively differing interpretations of the same to understand the meaning of referencing the UN Charter—for the reference itself is subject to the same notion of polysemy as PIs in regional contexts. Statements made at the UNSC’s 7,389th session on the rule of law highlighted the core of norm contestation among China, the EU, and member states in relation to international law. Chinese foreign minister Wang Yi opened the debate by putting forward China’s reading of the content and role of the UN Charter and how it defined the UN: “The UN Charter affirms the strong determination of the international community *to prevent war and maintain lasting peace*. At the outset, the Charter defines the *purposes of the United Nations as maintaining international peace and security*, which embodies the world’s deep reflection over the two world wars and the great yearning of all countries to be free of war, fear and want” (emphasis added).⁶⁹

The EU representative’s response made clear that the EU had a different reading of the preamble and the UN Charter: “But preventing future wars was not the only undertaking of the signatories of the Charter 70 years ago. The very same preambular passage of the Charter also stresses their determination *to reaffirm faith in fundamental human rights*, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; . . . In its very first paragraphs, *the Charter thus defined the three pillars of this Organization: peace and security, human rights, and development*” (emphasis added).⁷⁰

These remarks represented an open contestation vis-à-vis China’s reading of the UN Charter and the one-dimensional role of the UNSC, as “the European Union also believes that the Security Council has its own specific responsibilities with regard to the other two pillars,”⁷¹ i.e., HR and development. The German envoy backed the EU position and made a case for universal HR when stating that there “is also a growing understanding that human rights should know no borders and that those responsible for the most egregious violations must be held accountable.”⁷² In contrast, the Italian envoy, while stating that “Italy aligns itself

with the statement made by the European Union,⁷³ also made use of the civilization-difference argument highlighted earlier: “In the same spirit, Italy promotes respect for human rights—a key priority of our foreign policy—with an *inclusive and balanced approach, taking into account all of the different positions*” (emphasis added).⁷⁴

The Italian response can arguably be viewed as a deviation from a cohesive line in European foreign policy vis-à-vis China. This line found expression in the EU’s strategy on China in 2016, with the purpose of the strategy expressed as, among other factors, to promote “respect for the rule of law and human rights within China and internationally.”⁷⁵ It also defined the EU’s understanding of a “rules-based international order [being] based on respect for international law, including international humanitarian and human rights law,”⁷⁶ and that “the EU should work with China to promote universal advancement of human rights, in particular compliance with international human rights standards at home and abroad.”⁷⁷ The reference to promoting universal HR is considered further evidence for solidarizing efforts on the EU and Germany’s part regarding interpretations of both sovereignty and international law. It is to these solidarizing efforts that FM Wang responded with outspoken rejection: “In international legislation, it is important to reflect countries’ concerns in a balanced manner and to resist the attempt to make the rules of certain countries as ‘international rules,’ and their standards ‘international standards.’”⁷⁸

The differing Italian response highlights the absence of European unity or cohesion in discursive interaction with China and gives expression to the status quo of only limited European integration within the spheres of foreign policy and external relations. Moreover, statements provide insights on the contested and polysemic phrase of “rules-based international order.” Within the ERIS, such an order includes the establishment of global and universal HR, while the Chinese interpretation of international order is strictly pluralist and, thus, arguably contests the European, or Western, reading.

Market Economy

The *market economy* is the economic part of an operating system of contemporary international society that, with the help of international organizations like the World Trade Organization (WTO) and the International Monetary Fund, governs hegemonic stability and the liberalization of international trade and finance globally.⁷⁹ Historically, it is a primary institution of the Western core, but in times of modernity and globalization, it has also been adopted in regions formerly governed by mercantilist or state socialist approaches to economy and trade.⁸⁰ China’s domestic interpretation of the market can be perceived from Xi’s state-

ment outlining internal reforms at the G20 summit in 2013: “China will *strengthen the market system construction*, advance the structural reform on macroeconomic regulation and control, taxation, finance, investment, administrative system and other fields, and *give full play to the basic role of the market in resource allocation*” (emphasis added).⁸¹

At the 2013 World Economic Forum, Chinese premier Li Keqiang made further remarks regarding the reform of China’s economic system, stating that China had “endeavored to develop a mixed economy, relaxed market access, . . . encouraged more investment of the non-public sector, and provided greater space for business of various ownerships.”⁸² The joint communique following the EU–China Summit explicated that the parties agreed to foster “their trade and investment relationship towards 2020 in a spirit of mutual benefit, by promoting open, transparent markets and a level-playing field.”⁸³

The fact that it is a joint communique—bearing in mind the notion of polysemic institutions—does not mean that there was an agreement regarding the interpretation or practice of terms such as “open, transparent markets and a level-playing field.”⁸⁴ On the contrary, as the findings show, there is disagreement on such interpretations. China, on the one hand, pointed out it had chosen what it termed “socialism with Chinese characteristics”⁸⁵—or “a mixed economy”⁸⁶—as its (economic) development path. While this included giving “full play to the *basic* role of the market in resource allocation,” (emphasis added)⁸⁷ it also included “the visible hand,”⁸⁸—governmental involvement in the economy. The EU, on the other hand, is a form of a liberal market economy with comparatively reduced involvement of the state in the economy and different market-related practices regarding private operators. As EC President Barroso put it, “[in] Europe we are reforming our social market economy.”⁸⁹ Thus, a level playing field needs to be seen before a backdrop of fundamentally differing economic systems and fundamentally different frames regarding both the market and the role of the government can be agreed upon.

The news of a bid by China’s Midea Group for the German KUKA corporation, a technology leader in robotics, made landfall in mid-2016. Midea eventually acquired a 94.5-percent stake in the company. The outspokenness of German minister of economic affairs and energy Sigmar Gabriel stood in stark contrast to the Italian response regarding ChemChina’s acquisition of Pirelli in spring 2015. At the time of bidding, the Italian minister of economic development Federica Guidi made a statement welcoming the investment: “The entry into the share capital of Pirelli by China Chemical is an operation that concerns a private company and, therefore, the Government is not entitled to intervene. That said, any

transaction that aims to consolidate and render even more national industrial competitive excellence is absolutely acceptable, just as is the case with Pirelli.”⁹⁰

When questioned about KUKA at a press conference in May 2016, Gabriel responded by clarifying that it was essential to not make the debate about nationality, i.e., China, but about unequal practices regarding know-how transfer, and added, “And of course, I would find it appropriate if there was at least an alternative offer from Germany, or Europe. So that it can then be decided by the owners which of the offers is—for the companies that have the intent of disposition, but also for the future of the German industrial base—the ultimately better one.”⁹¹ Acknowledging that there was some concern on the part of the German government regarding targeted bids for leading German companies and substantive disagreements with China over the manner of know-how transfers, he stated that one “cannot declare a state-led economy [Staatswirtschaft] to be a market economy. Those are the areas of conflict we have.”⁹² In June 2016, Gabriel voiced the question of how Europe, as one of the most open market economies, was competing with state-subsidized companies from non-open market economies, stating, “the game is not protectionist versus market, but rather the game is open market versus state-capitalist intervention.”⁹³ Gabriel concluded that the debate was about “the contradiction between an open market economy [offene Volkswirtschaft] and a state-capitalist intervention economy [Interventionswirtschaft].”⁹⁴ During a meeting with Chancellor Merkel, Premier Li made China’s position regarding its status as (non-)market economy and obligations under WTO agreements clear when he stated that “China has fully implemented its commitment upon the entry of the WTO, and the EU and relevant parties should also fulfil their commitments.”⁹⁵ The differences in Italian and German discourse on Chinese investment and contestation of market-related practices were striking—the presented evidence speaks for itself.

A further example of contestation regarding the issue of reciprocity of foreign investment opportunities and the change in language—for example, the introduction of terms like “security,” “defending strategic interests,” “critical technologies and infrastructure”—can be perceived from Juncker’s State of the Union speech in September 2017: “Let me say once and for all: we are not naïve free traders. Europe must always defend its strategic interests. . . . This is why today we are proposing a new EU framework for investment screening. If a foreign, state-owned, company wants to purchase a European harbor, part of our energy infrastructure or a defense technology firm, this should only happen in transparency, with scrutiny and debate. It is a political responsibility to know what is going on in our own backyard so that we can protect our collective security if needed.”⁹⁶ A similar understanding can be derived from the EC’s report accompanying the policy proposal for an FDI screening mechanism:⁹⁷ “In this context, there is a risk

that in individual cases foreign investors may seek to acquire control of or influence in European undertakings whose activities have repercussions on critical technologies, infrastructure, inputs, or sensitive information. This risk arises especially but not only when foreign investors are state owned or controlled, including through financing or other means of direction. Such acquisitions may allow the States in question to use these assets to the detriment not only of the EU's technological edge but also its security and public order."⁹⁸

In March 2019, the EC postulated that "China can no longer be regarded as a developing country,"⁹⁹ and, while systemic differences had been acknowledged by both the EU and China before, the classification of China as a "systemic rival promoting alternative models of governance"¹⁰⁰ marked a sharp turn in EU discourse and language.

Conclusion and Policy Implications

With respect to the previously discussed findings regarding the changing role of the BRI in Sino–European relations and norm contestation regarding sovereignty, international law, and market economy, this article advances four arguments.

First, contemporary Chinese foreign policy, of which the BRI framework is the arguable cornerstone, perceivably presents a challenge to EU unity and cohesion, especially in member states' foreign policies vis-à-vis China and their respective positioning toward the BRI. Moreover, this highlighted the implications of only partial EU integration and required unanimity in EUCO decisions, despite the EC's efforts to create an alternative to the BRI in line with EU values.

Second, norm contestation of sovereignty, international law, and the market economy in Sino–European discourse stems primarily from differing interpretations and related practices of these PIs. That is to say, the EU, Germany, and Italy—as members of the ERIS—have a liberal-solidarist understanding and practice of these three institutions, while China, as a member of the narrow EARIS, interprets the institutions from a pluralist perspective. Thematically, the contestation could be summarized as universal HR versus noninterference, and "social market economy" versus "state-capitalist economy."

Third, the relations between China and the EU and Germany showed an increasing degree of substantive disagreements in the context of all three PIs, examples are the aforementioned Chinese démarche and the EU's labeling of China as "a systemic rival promoting alternative models of governance."¹⁰¹ Sino–Italian relations and discourse were shown to be less confrontative, with Italy more open to the BRI and Chinese inbound investment.¹⁰² In this context, the article makes the argument that throughout the investigated period, the BRI did indeed present a challenge to the cohesiveness of the EU's foreign policy vis-à-vis China. The

findings further demonstrate how a strategy or foreign policy such as China's BRI can become both the projection screen and direct subject to norm contestation and, as foreign policy, evidently enshrine the respective interpretations and practices of sovereignty, international law, and the market economy.

And fourth, this article argues that the findings do indeed point to China contesting solidarist interpretations of PIs, for example, resisting solidarization, in its exchanges with the EU, Germany, and Italy respectively. As to whether China is actually reconfiguring the normative fabric of global politics and, in doing so, challenging a Western-liberal order, the answer depends on the respective understanding of the concept of *hegemony*. This concept yet again appears to be polysemic, similar to PIs, which becomes apparent when looking at China's insistence on noninterference, HR as a domestic matter, and the different choice of an economic system. In that regard, one could argue that in contesting these practices, i.e., rejecting solidarization, and the underlying liberal-solidarist framing, which ultimately stand for a Western-liberal order, China is proposing an alternative, pluralist order. Whether this alternative order succeeds to reconfigure the normative fabric global politics—provided such is the purpose—remains to be seen.

Table 2. Solidarist and pluralist frames of PIs

Primary Institution	European liberal-solidarist frames	Chinese pluralist frames
Sovereignty	Relational sovereignty: universal HR and humanitarian rights, adherence to liberal order	Absolute sovereignty: noninterference, self-determination, civilizational-difference argument
International Law	Reference for national legislation—solidarization UN Charter with three pillars: "peace and security, human rights, and development"*	Not to become national legislation—contestation of solidarization. UN Charter emphasis on one pillar: "prevent war and maintain lasting peace"†
Market Economy	Open market economy, reciprocity in FDI regulation, comparatively reduced role of state and government	Visible and invisible hand, i.e., active role of state and government

* Thomas Mayr-Harting, "Statement by Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nation, at the 7389th UNSC Meeting" (speech, UNSC 7389th Meeting, New York, UN, 23 February 2015).

† Wang Yi, "Wang Yi: China, a Staunch Defender and Builder of International Rule of Law" (Beijing, China, 24 October 2014), <https://www.fmprc.gov.cn/>.

Several points can be made when reflecting on the theoretical and policy implications of both findings and arguments. First and foremost, the ES as an international society approach, with its concept of PIs, adds to the understanding of the normative impact and implications of contemporary Chinese foreign policy generally and the BRI in particular. Moreover, with China having expanded the geo-economic scope of the BRI over the past years, the emerging field of BRI studies proves promising for furthering the regional agenda of the ES, as it allows analyz-

ing the interactions and impact of one actor with many others from and in different regions and RIS around the globe. Secondly, both the concepts of polysemic PIs and solidarization are relevant and viable analytical tools in the study of international relations between actors from different RISs—especially when comparing Western regional orders with non-Western ones.

Further, this article shows how permeable and receptive the ES is of the scholarship on norm contestation—a connection that has been surprisingly neglected so far. Introducing the notion of polysemy proved to be geared for dissecting and identifying differing interpretations of PIs in discourse over chronological context. Evidence for solidarization could be identified primarily in EU and German discourse, while *pluralization*—the promotion and insistence on pluralist readings of sovereignty and international law above all—was the defining pattern for China’s discursive behavior. Moreover, the identified civilization-difference argument might open up to further research on how non-Western perspectives, such as China’s, inform state behavior and practice of PIs in relation to the debate on the standard of civilization and international society.¹⁰³ Concerning policy relevance, the findings and arguments of this article demonstrate the importance and benefit of going beyond realist or liberal theory when analyzing contemporary Chinese foreign policy and the implications of the BRI for global and regional orders. This article shows that the fundamental disagreements and friction among the EU, its member states, and China are rooted in fundamentally differing values and principles. Thus, to fully grasp the ramifications of the BRI, experts working in security and foreign affairs need to utilize analytical tools that allow for a focus on precisely these differences of values, norms, and principles. The international society approach—ES theory—with its concept of polysemic PIs and the distinction between solidarist and pluralist frames can demonstrably deliver such focus. It can educate experts and practitioners in the field of international relations in their understanding of fundamental, value-based disagreements among states, governments, and statespersons. Lastly, cognitive linguistics might provide a useful further analytical and explanatory tool, considering the discovery of different solidarist and pluralist frames in Sino–European discourse, for example, metaphor theory¹⁰⁴ and political framing.¹⁰⁵

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