

How to construct a new global order

Dani Rodrik* and Stephen Walt**

*Harvard Kennedy School, USA, e-mail: dani_rodrik@hks.harvard.edu

**Harvard Kennedy School, USA, e-mail: stephen_walt@hks.harvard.edu

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Abstract:

We advance principles for the construction of a stable and broadly beneficial world order that does not require significant commonality in interests and values among states. In particular, we propose a ‘meta-regime’ as a device for structuring a conversation around the relevant issues, and facilitating either agreement or accommodation. Participating in this meta-regime would impose few constraints on states, yet in favourable circumstances could facilitate significant cooperation. It could also encourage increased cooperation over time even among adversaries, as participation in the meta-regime builds trust. We apply these ideas to several issue areas, including US–China competition.

Keywords: globalization, global economic order, US-China competition

JEL classification: F02, K33

I. Introduction

The global political–economic order is in flux. On the political side, the relative decline of US power and concomitant rise of China has upended a global system previously dominated by the United States and its allies. On the economic side, repeated financial crises, increases in domestic inequality, creeping protectionism, concerns about the loss of sovereignty to trade agreements or regional integration arrangements, and tensions with China over both trade and investment have discredited the post-1990 model of hyper-globalization. New technologies—most notably in the digital realm—are creating new possibilities and pitfalls in a loosely-regulated economic and political space and the sluggish response to climate change raises doubts about the ability of current political arrangements to address it.

It is possible that we will transition into a world of disorder, fragmentation, and conflict. But a better outcome is also possible. We advance in this paper a set of principles for the construction of a stable and broadly beneficial world order that does not require significant commonality in interests and values among states. In particular, we propose a ‘meta-regime’ that presumes only minimal initial agreement among the major powers. The meta-regime is a device for structuring a conversation around the relevant issues, and facilitating either agreement or accommodation, as the case may be. It is agnostic and open-ended about the specific rules to be applied in particular issue-areas.

Even where agreement proves impossible, the objective of the meta-regime is to enhance communication among the parties and clarify the reasons for the disagreement, and to incentivize states to avoid inflicting unnecessary harm on others as they act autonomously. Participating in this meta-regime would impose few constraints on states that want to maintain their freedom of action. Yet in favourable circumstances, it could facilitate significant cooperation—even among adversaries—as participation in the meta-regime builds trust between them. We illustrate

the practical implications of the meta-regime by applying it to several different domains, and US–China competition in particular.

While our meta-regime requires little agreement at the start, it does preclude the pursuit of global primacy. If any of the major powers make economic and geopolitical predominance their overriding goal and lesser states make relative power their chief concern, the prospects for a more benign global order are slim. But major powers such as the US and China can remain secure from external threats while enhancing the overall well-being of their societies at the same time—by preserving the physical conditions necessary for human existence, advancing economic prosperity, and minimizing the risks of major war. If, as we believe, global primacy is an unreachable goal and its all-out pursuit would be counter-productive, buying little in terms of national security while forsaking important economic, social, and environmental goals achievable only through international cooperation, major powers may prefer to act in a more calibrated fashion.¹ The process we propose here will then have something to offer.

A world of greater cooperation, of the kind we envisage here, would depart in significant ways from a purely zero-sum view of great power competition (i.e. where major powers constantly strive to maximize their relative power) or from conventional Western conceptions of a ‘rules-based international order’. US and European policymakers view themselves as well-intentioned, benign actors in the international arena. This makes it easy for them to overlook not only their own transgressions of the post-war order they constructed, but also the fact that this order was designed largely to suit their countries’ interests in the first place. By contrast, a future world order will need to accommodate rising powers and tolerate greater diversity in national institutional arrangements and practices. Western policy preferences will prevail somewhat less and other countries will have to be granted greater leeway in managing their own economy, society, and polity.

This will require a different type of globalization than the post-1990 model of hyper-globalization, with its focus on ever-greater harmonization and coordination of domestic policies across the world. International institutions such as the World Trade Organization and the International Monetary Fund will have to adapt to that reality. Just as it is possible to achieve national security without seeking global primacy, we believe it would be feasible for nations to reap the benefits of economic interdependence despite looser, more permissive international rules.

II. A ‘meta-regime’ for constructing world order

The threshold condition for participation in our meta-regime is that states agree on the desirability of a four-fold classification of policies, but without having to agree in advance on which actions or issues belong in each category.²

(i) *Category 1: Prohibited actions*

This category contains actions that all parties agree are illegitimate, typically because they inflict harms on other states that cannot plausibly be justified by economic or national security considerations. Such actions would be strictly prohibited. At a minimum, prohibited actions might include commitments made under the United Nations Charter (1945), such as the ban on the acquisition of territory by conquest in Chapter II and the restrictions regarding the legitimate use of armed force in Chapter VII.³ Although states violate these norms with some frequency, they usually deny or conceal the violation(s) or insist that special circumstances justify an exception. Such rhetorical manoeuvres confirm that violators recognize that these norms have prescriptive and evaluative force.

Other examples within the ‘prohibited’ category might include violations of diplomatic immunity or armed attacks on another country’s ships or aircraft on the high seas or in international airspace. A less formal prohibition (akin to the informal restraint that the United States and Soviet Union exhibited during the Cold War) would be a norm that major powers avoid armed clashes with the military personnel of other major powers.⁴ Norms against the use of nuclear weapons (the ‘nuclear taboo’) fit this category as well, despite the lack of formal international convention against it (Tannenwald, 2008).

¹ Our perspective follows that of Kenneth Waltz and other ‘defensive realists’. In Waltz’s words, power is ‘a potentially useful means, with states running risks if they have either too little or too much of it.... In crucial situations, however, the ultimate concern of states is not for power but for security’ (Waltz, 1988, p. 40).

² This framework is based on US–China Trade Policy Working Group (2019), an initiative of legal scholars and economists led by Jeffrey S. Lehman, Dani Rodrik, and Yang Yao.

³ The Decalogue to the 1975 Helsinki Final Act or the Geneva Conventions and Additional Protocols offer other illustrations of this type of injunction. For example, the signatories of the Helsinki Final Act agreed ‘to refrain from a) the threat or use of force, b) any attempt to alter existing borders by force, and c) any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State’ (Helsinki Decalogue, 1975).

⁴ More recently, Russian and US forces operating in or near the Syrian civil war negotiated procedures designed to avoid direct engagement or accidental exchanges with each other.

Very importantly, there is little disagreement between the United States, China, and other major powers on these principles. To say that certain actions are proscribed by norms does not mean violations never occur; it simply means that the major powers understand where lines have been drawn and recognize that crossing them has consequences. There will inevitably be grey areas where major powers disagree on whether an agreed-upon norm applies: for example, China regards Taiwan as an invisible part of its national territory and would view military action against Taiwan as permissible under international law, but the United States (and many other countries) would almost certainly interpret such an attack as an illegal act of aggression. Furthermore, a consensus that certain actions are illegitimate and formally prohibited does not preclude the use of salami tactics or other measures intended to evade an existing norm. To repeat, such evasions are themselves a tacit acknowledgement that the lines matter.

In economic relations, there are informal norms against what economists call ‘beggar-thy-neighbour policies’. These are defined as ‘policies that seek to increase domestic economic welfare at the expense of other countries’ welfare’ (Reinert and Rajan, 2009). The key notion here is that the benefit at home comes ‘at the expense of other countries’. Unlike other domestic policies that may also entail negative repercussions for others, ‘beggar-thy-neighbour’ policies create domestic gains only to the extent that other nations lose.⁵

To establish a clearer line demarcating prohibited actions, it might help to clarify what a beggar-thy-neighbour policy is and distinguish it from other types of policies that also create cross-border spillovers. For example, when a government provides investment tax credits for R&D, this might strengthen the country’s comparative advantage on world markets in advanced technologies and hurt its foreign competitors. But such a policy would not normally be considered beggar-thy-neighbour, because the objective is not to hurt foreign producers and the home government would pursue it even if no foreign country was adversely affected. By contrast, an export restriction imposed by a country in order to exploit its market power on global markets—as in the case of China’s restrictions on rare earth minerals in the early 2000s or President Biden’s restrictions on advanced semi-conductors—would be a clear case of beggar-thy-neighbour. This is because the benefits that accrue to the home economy arise directly from the (terms-of-trade) losses suffered by other countries. There would be no gains at home without the costs imposed abroad.

Given their pernicious nature, states might be willing to prohibit beggar-thy-neighbour policies in principle, while postponing the discussion of whether a specific action belongs in that category. Disputes may arise in practice from either legitimate or opportunistic reasons.⁶ The US might brand certain Chinese industrial policies as beggar-thy-neighbour efforts to seize market share from overseas companies that are more efficient, while China defended these actions as developmental policies intended to stimulate domestic economic growth. Or the US might defend its export controls on advanced semiconductors as critical to its national security. But the framework proposed here provides a conceptual vocabulary for discussing whether such policies are *per se* problematic (i.e. beggar-thy-neighbour). Blatant beggar-thy-neighbour policies that cannot be reasonably justified on account of developmental or national security benefits would be stigmatized to some extent. Leaving them in place would come at some reputational cost, undermining a state’s negotiating capital and drawing opprobrium from other states, private corporations, and professional legal and economics communities.

(ii) *Category 2: Cooperative negotiations and mutual adjustments*

This category contains areas where states have conflicting policies and/or interests, but where each has reason to believe that others might alter their behaviour in exchange for certain concessions or adjustments. If State A adopts a policy that is harmful to State B, the two parties may still be able to negotiate a mutually beneficial bargain that leaves both better off. Such a bargain could involve State B offering a concession in another domain in return for State A revoking the harmful policy. We call this the ‘cooperative negotiations’ category.

Many economic policies fit here neatly. A classic example is import restrictions intended to protect profits or employment in a particular domestic industry. A trade partner might offer to remove its own tariffs in industries of

⁵ The term ‘beggar-thy-neighbour’ is sometimes used to describe *all* policies that have adverse effects on other nations. We use it in a narrower sense, to apply to actions where the intended domestic benefits are the direct result of the harms imposed on others—where those benefits would not accrue in the absence of the cross-border harms generated. Many domestic policies create negative cross-border spillovers without being ‘beggar-thy-neighbour’ in our sense. Making this distinction is necessary, because otherwise the remit of ‘beggar-thy-neighbour’ policies would be impossibly broad, as we discuss further under Category 3.

⁶ The global trade regime has a long record of jurisprudence and dispute settlement that addresses such questions. Our conceptual vocabulary focuses on making a clearer distinction among actions that would be in principle prohibited (Category 1), actions that allow states to work out mutually beneficial bargains (Category 2), and actions where states behave unilaterally, possibly at some harm to others (Category 3). The rules and practices under the WTO sometimes align with our framework, as when they encourage states to engage in exchange of market access to reduce mutually harmful trade barriers (Category 2). They also often differ, as when they legitimize punitive action by trade partners when the action in question is not beggar-thy-neighbour and the retaliation does not take the calibrated form we describe under Category 3. Rules with regard to subsidies and many other types of industrial policies are an example of the latter.

interest to the first state's export industries in exchange for the elimination of these restrictions. When both states expect to be better off in the absence of the relevant import barriers, they can strike a bargain. Such compromises are the basis for most trade agreements, and the reasoning applies even for states who are military adversaries, unless one of the parties believes maintaining barriers will improve its relative position over the longer term.

Within the security realm, arms control negotiations are a perfect illustration of mutual policy adjustment. Through negotiations, rivals may be able to reach agreements that eliminate specific areas of vulnerability (thereby making both more secure) and that allow them to devote resources that might have been spent on armaments to other needs. It is easy to think of other examples, such as the 1972 Incidents at Sea agreement, which reduced the risk of mid-ocean collisions between US and Soviet naval vessels, or the joint US–Russian efforts to improve nuclear weapons safeguards and make it more difficult for unauthorized personnel to obtain a nuclear weapon or fissionable material. In theory, one could imagine the United States, China, or other major powers jointly agreeing to limit certain military deployments or activities—such as reconnaissance operations near each other's territory—in exchange for equivalent limitations by the other side.

(iii) *Category 3: Independent or autonomous policy responses*

This category refers to policy domains where mutual adjustment proves to be impossible and each state resorts to its own independent policy action. If two or more states are unable to reach a mutually beneficial bargain, the meta-regime leaves them free to adopt national actions to further specific national goals or reduce the harm to own interests, subject to any prohibitions agreed to under Category 1 and the further requirement that these national actions be 'well-calibrated'. Hence when such actions are taken in response to another states' behaviour, they should be directly linked to the damage being done by the other side's policies and intended solely to mitigate its negative effects. In particular, independent responses should not be taken for the express purpose of punishing the other side or weakening it in the long run. Nor should failure to reach an acceptable compromise in one area be used as a pretext to retaliate in a different and unrelated domain.

In economics, independent action will naturally apply in policy domains where nations have different preferences and mutually acceptable bargains may not be available. To take a couple of trite but instructive examples, today all states set their own highway speed limits and education policies, even though each can have adverse effects on some trade partners. A speed limit that is set relatively low reduces that country's demand for oil on world markets and harms the interests of oil exporting nations; a country that spends more on education accumulates more human capital and thereby reduces the gains from trade of countries with which it competes in skill-intensive products. Yet states consider themselves entitled to full autonomy in both domains: no country has ever threatened to retaliate against another because the latter reduced its speed limit or started devoting more resources to educating its population. The same principle applies to many areas of consumer and product safety, regardless of implications for trade partners (Rodrik, 2020).⁷

Very importantly, Category 3 legitimizes policy autonomy only to the extent that is targeted at legitimate domestic or national security objectives and is 'well-calibrated'. In our scheme, it is permissible for a state to ban imports of toys with above a certain lead content to protect domestic children, in line with its own cost–benefit calculus. But it is not permissible to use the import ban to force other countries to alter their own lead-content regulations or to extract other concessions from the target country. Although it may be difficult to distinguish the two cases in practice, there is an important difference in principle. Similarly, states that are harmed by other nations' policies are entitled to undertake well-calibrated responses of their own, but only to mitigate the damage.⁸ The Trump administration's trade war with China clearly violated these principles, as statements by Trump and other US officials made it clear that the intent behind their trade restrictions was punitive and coercive. Biden's export controls on advanced semiconductors are also problematic, insofar as their purpose is to cripple China's access to technology. We examine the Biden administration's policies in this area in greater detail below.

Major powers typically rely on their own national efforts in matters of national security, although they may cooperate with and fight alongside allies when necessary (Parent and Rosato, 2015). States will strive to enhance their own defence capabilities, spy on each other, and conduct R&D designed to gain or preserve a technological edge over their rivals. As long as there is no central authority to protect states from each other, great power competition is not going to stop.

⁷ For example, most states have detailed regulations that producers have to meet in order to be allowed to sell in their market. A foreign automaker or toy producer has to abide by the relevant regulations in each country in order to offer its goods for sale in that market.

⁸ Prevailing trade rules allow countries to impose 'countervailing duties' in response to their trade partners' subsidies. It is not clear that such duties can be justified by the damages argument. While specific import-competing firms may be harmed by the cheaper imports, the nation experiences an improvement in its terms of trade and is better off as a whole.

In theory, these activities could be addressed in the Category 2 ('cooperative negotiations') but meaningful agreement on these issues will be difficult to achieve or sustain.⁹ Even so, the meta-regime calls for national responses to a foreign security challenge to be 'well-calibrated'. In particular, the chosen remedies should be proportional to the harm inflicted by another state's potentially threatening actions (including efforts to increase its military power, recruit new allies, etc.). This feature is intended to guard against the danger of a tit-for-tat spiral of escalatory steps that goes beyond measures necessary to preserve a state's independence and autonomy.¹⁰

Of course, what one country sees as a prudent and well-calibrated response may appear to an opponent as a dangerous provocation, and rivals typically prefer a margin of superiority in their favour to an even balance of power. Leaders will undoubtedly face domestic pressures to react vigorously to an opponent's actions, making 'well-calibrated' responses even harder to maintain.

Despite these obstacles, both the United States and China have ample reason to calibrate their 'independent responses' on many issues. Perhaps most obviously, the existence of nuclear weapons give both states ample incentive to tread carefully when crises erupt. A second factor is a combination of geography and size: the United States and China are huge countries with large populations and separated by a vast ocean. As a result, neither could have any realistic hope of conquering the other. Apart from a suicidal nuclear exchange, neither state poses an existential threat to the other (Hanania, 2020; Swaine, 2021). As a result, cooperation is less risky and 'security regimes' addressing potential points of friction are more feasible (Jervis, 1978, 1983; Van Evera, 1998). These features do not make a clash of arms impossible—especially at sea or over Taiwan—and other forms of geopolitical hardball remain all-too-likely. But neither the United States nor China could possibly hope to eliminate the other. Coexistence is not just desirable; it is unavoidable.

Very importantly, our meta-regime is not predicated on the two sides trusting each other at the outset. But it leaves open the possibility—and indeed increases the likelihood—that successfully addressing disagreement within its confines could help both sides trust the other more over time.

(iv) *Category 4: Multilateral governance*

This category contains policies or issues where one state's actions affect others, or where A's policies toward B have significant spillover effects on C, D, E, etc. Under these circumstances, effective responses may require involvement by most if not all of the affected states. Here we anticipate a similar process as outlined under Categories 1–3 to apply, but multilaterally.

Global public goods are an obvious case within this category and climate change is the archetypal illustration. A country's carbon control policies benefit all other nations, and none can be excluded from those benefits. Conversely, a country's emissions harm all other nations (though not necessarily equally). In the absence of multilateral measures, states will be tempted to free ride on the carbon control policies of others and the result is excessive emissions and rapid climate change. A second example might be global public health, as Covid-19 has demonstrated. The rapid sharing of information about potential pandemics and the development of therapeutic medicines or vaccines are global public goods. Well-designed global institutions also help discourage free-riding or cheating in international trade and are critical to managing global financial ties.

In the realm of national security, multilateral governance arrangements including all or most major powers exist where state interests substantially overlap, as in the case of the Non-Proliferation Treaty or more recent efforts to discourage international terrorism. One could also imagine multilateral agreements regulating conduct in cyberspace or any number of other areas where strictly bilateral agreements would be insufficient.

Multilateral arrangements need not be global, however. Regional security forums such as ASEAN (Association of Southeast Asian Nations) exist to facilitate cooperation and regulate behaviour among states within a particular area, and formal military alliances such as NATO (North Atlantic Treaty Organization) exist to help member states deal with problems created by states that are not part of the institution. In the future, the United States and China are likely to try to create like-minded coalitions of countries that coordinate some aspects of their economic and security policies and adopt similar norms regarding digital privacy, surveillance, and technical standards. As

⁹ The early nineteenth century Concert of Europe is often invoked as an example of a cooperative regime that sought to minimize great power competition, but key elements of the Concert broke down in less than a decade.

¹⁰ Robert Jervis (1983, pp. 178–9) argues the Concert of Europe possessed this quality: 'In this era the great powers behaved in ways that sharply diverged from normal "power politics". They did not seek to maximize their individual power positions, they did not always take advantage of others' temporary weaknesses and vulnerabilities, they made more concessions than they needed to, and they did not prepare for war or quickly threaten to use force when others were recalcitrant. In short, they moderated their demands and behaviour as they took each other's interests into account in setting their own policies.' He also notes that such behaviour was historically unusual.

discussed above, the possibility that the digital world will divide into Sino-centric and Western-centric realms could be another instance in which multilateral cooperation expanded on a partial rather than global basis (*The Economist*, 2019).

(v) Summary

Instead of viewing relations between states as one of either ‘rivalry’ or ‘cooperation’, the meta-regime encourages us to distinguish among (i) issue areas where there may already be considerable agreement, (ii) areas where differences now exist but are at least potentially reducible through negotiation and adjustments, and (iii) areas where independent national responses can protect particular national interests without escalating the level of conflict unnecessarily. The process of determining which issues belong where encourages rivals to explain their actions, clarify their motives, and justify their decisions. If doing so prevents conflicts both sides would like to avoid, it also serves their longer-term interests. In this way, the meta-regime can help ‘bootstrap’ a level of cooperation that might not have occurred otherwise.

The categories in which a particular policy or issue is handled will be influenced by the overall state of relations between the interested parties, their relative power, and their particular interests. Between major power rivals, for instance, one would expect relatively few issues to land in Category 1 and most to end up in Category 3. Among close partners with similar values, by contrast, Categories 1 and 2 will be fairly full and Category 3 will be mostly empty.

We recognize that states will sometimes adopt policies with the express purpose of weakening a rival or gaining an enduring advantage over it. This feature of international politics would not disappear under our approach, either for the major powers or for many others. Nonetheless, our framework offers a path for guiding as many contentious issues as possible towards one of our categories, thereby rendering them less malign for the international order. Equally important, it also allows for a dynamic evolution of the degree of cooperation between adversaries. A conversation structured along the lines we propose enables parties to establish reputations, develop a higher level of trust than would otherwise occur, and better understand the preferences and motives of each other. Ideally, Categories 1 and 2 would become more densely populated as a result.

III. Discussion and applications

We now ‘road-test’ our framework by applying it to a number of contentious domains of international relations. We discuss the extent to which existing practices are consistent with, or depart from, where the framework would lead us. In the latter case, we suggest possible directions for policy that would be encouraged by our framework, fulfilling the national security and other goals of states while producing less international conflict.

(i) Sino-American security competition and the problem of Taiwan

Sino-American security competition is unlikely to disappear any time soon. If either party sees this rivalry as a strictly zero-sum contest for global primacy, then prospects for cooperation will diminish and the meta-regime we have proposed will be of only modest value. But if the two states want to avoid that outcome, our framework could help them conduct what former Australian Prime Minister Kevin Rudd has called a ‘managed strategic competition’ (Rudd, 2022).

A particular area of concern is Taiwan, given America’s longstanding support for its government and President Xi Jinping’s belief that reunification is essential to China’s national ‘rejuvenation’. His insistence that the issue not be passed on ‘from generation to generation’ has reinforced fears that Beijing will try to force the issue, thereby triggering a direct clash of arms (Reuters, 2013; Blanchett *et al.*, 2023).

Taiwan poses an especially demanding test for our framework. As previously discussed, it is not hard to imagine the two states agreeing on certain ‘prohibited actions’ (Category 1), particularly regarding core issues of territorial sovereignty. The two states could formally commit to resolve disputes without the use of force (as the UN Charter requires), agree not to challenge the legitimacy of the other’s political order, and pledge to avoid ‘beggar-thy-neighbour’ economic policies. Violating any of these principles would presumably incur reputational costs and lead the other side to retaliate vigorously.

Unfortunately, even a sincere commitment to respect each other’s sovereignty and domestic legitimacy would not reduce the potential for conflict over Taiwan. The Chinese Communist Party believes Taiwan is an inseparable part of its sovereign territory and therefore does not regard norms that prohibit the acquisition of territory by force as applicable in this case. For Beijing, prohibitions on the use of force within Category 1 would almost certainly not apply to Taiwan.

Similarly, the United States and China could negotiate mutual adjustments in several areas that would leave both better off (Category 2). For example, the two states could agree to restrict reconnaissance activities (such as China's use of aerial balloons and US patrols near Chinese territorial waters and airspace), negotiate mutually beneficial limits on the size of their respective nuclear arsenals, or limit the use of cyber-attacks. Past accidents involving US and Chinese aircraft and several recent 'near-misses' suggest that both states would be more secure if they agreed on steps to reduce the risk of such incidents in the future.¹¹

Unfortunately, it is hard to imagine the issue of Taiwan being resolved via mutual adjustment. Although some experts have raised the possibility of a 'grand bargain' whereby the United States reduced its support for Taiwan in exchange for Chinese concessions on other issues (cf. Glaser, 2015), such an outcome seems unlikely at present. There is little support for a deal of this sort in Washington and US officials would undoubtedly worry about its effects on US credibility elsewhere in Asia. Chinese assurances regarding its future conduct might lack credibility given its failure to abide by earlier commitments regarding Hong Kong. There are many issues where mutual adjustment would leave both sides better off, but Taiwan is probably not one of them.

In all likelihood, therefore, both sides will continue to act independently to pursue or protect their interests in Taiwan (Category 3). Might it still be possible for each side to pursue its objectives through 'well-calibrated' policies intended to protect those interests while at the same time minimizing the risk of war? We think it is.

It is worth remembering that US policy towards Taiwan has been 'well-calibrated' for decades. It has supported Taiwan's autonomy with arms sales, legislation such as the Taiwan Relations Act, and various forms of security assistance, but without deliberately provoking Beijing or foreclosing the possibility of peaceful reunification. The 'One China' policy implicitly acknowledges that the island is part of China, with the United States insisting that its final status remains to be determined and that reunification should be voluntary and peaceful. At the same time, the United States has actively discouraged Taiwan's government from declaring independence and maintained a policy of 'strategic ambiguity' on whether the United States would come to Taiwan's aid in the event of war.

Looking ahead, a 'well-calibrated' approach to Taiwan would seek to reassure China that the United States was not unalterably opposed to reunification, only to it being imposed on the Taiwan by force or coercion. The United States could continue to sell defensive weapons to Taiwan and aid its strategic planning, and Washington would be free to prepare its own forces and contingency plans and discuss these issues with its regional partners with a stake in the issue. But it would reiterate a commitment to the 'One China' policy, continue to oppose any movement toward independence, and refrain from integrating the island into its broader regional security arrangements. The US commitment to defend Taiwan militarily would remain ambiguous and provocations (such as former House Speaker Nancy Pelosi's controversial visit to the island in 2022) would be avoided. Washington would be free to pursue closer economic ties with Taiwan provided this was done for its own sake and not designed to divert trade away from China.¹²

On the Chinese side, a 'well-calibrated' approach to Taiwan need not abandon the long-term goal of reunification, but it would require that Beijing refrain from direct efforts to alter the status quo by force or coercion. China would have to forgo simulated military attacks or other forms of intimidation and refrain from interfering with maritime or air access to the island. China could still take 'independent action' to augment its military capabilities in response to Taiwanese defence improvements or any movement away from the 'One China' policy by the United States. Ideally, China might agree to reduce military deployments that are currently aimed at Taiwan in exchange for limits on US support for the island, thereby moving the issue toward Category 2 (Swaine and Bacevich, 2023). Such a development might seem unlikely at present, but it become more likely if both sides recognize the costs and risks that a war over Taiwan would entail.

(ii) Sino-American competition in high-tech

Competition in high-tech industries is another important facet of US–China relations, and has become increasingly acrimonious in recent years. China's rapid strides in advanced manufacturing and digital technologies have raised significant concerns in the West and prompted counter-measures. Some of these concerns are narrowly based on specific security or privacy threats. What if the Chinese government engages in spying or surveillance through

¹¹ In April 2001, a Chinese interceptor collided with a US P-3 reconnaissance aircraft over the South China Sea, forcing the latter to make an emergency landing on Hainan Island. In December 2022 and May 2023, Chinese jets engaged in what US officials called an 'unnecessarily aggressive maneuver' directed at other US reconnaissance planes. In June 2023, a Chinese Navy destroyer cut across the bow of a US destroyer transiting the Taiwan Strait, forcing the US vessel to slow down to avoid a collision. And in October 2023, a Chinese interceptor reportedly came within 10 feet of a US B-52 bomber over the South China Sea. The 1972 Incidents at Sea Agreement between the United States and the Soviet Union is an obvious precedent.

¹² For similar recommendations, see Blackwill and Zelikow (2021, pp. 52–3).

TikTok? Can Huawei compromise the integrity of national telecommunications networks? Will reliance on inputs supplied from China leave other countries dangerously susceptible to threats of cut-off? Other concerns are less focused and have to do broadly with questions of relative economic power. A Chinese economy that is rapidly catching up with the US—and perhaps surpassing it in many domains—will be one that is more powerful on the global stage and more likely to throw its weight around.

Our framework would give countries considerable leeway to address genuine national security concerns, while constraining broader-brush efforts intended to undercut another nation's technological capacity. On the face of it, current US policy is fully in line with this understanding. The officially articulated position of the Biden administration is that the US does not intend to cripple Chinese economic development. Restrictions on China's access to high technology are supposed to remain limited to a narrow range of domains with clear national security implications. US national security advisor Jake Sullivan has described the policy as 'a small yard and a high fence' (Sullivan, 2023) The 'small yard' refers to the idea that US actions will focus only on selected advanced technologies.

It is not clear that the administration's actual policies are fully aligned with these objectives, however. Consider Biden's export controls on advanced semiconductors targeting China. These restrictions are the US administration's most significant initiative to date in the tech domain, and provide a good testing ground for our framework. There is little doubt that the policy is of the 'beggar-thy-neighbour' type: the explicit objective of the US administration is to limit China's ability to develop sophisticated technologies and ensure that China remains as far behind as possible in advanced logic and memory chips. Such policies would be classified under Category 1 and prohibited under our scheme.

Sullivan (2023) characterizes the export controls as measures that are 'carefully tailored' on 'a narrow slice' of advanced technologies, premised on 'straightforward' national security concerns. Others have been less charitable. Edward Luce (2022) of the *Financial Times* has called the measures 'a full-blown economic war on China'.¹³ According to Gregory C. Allen of the Center for Strategic and International Studies, the restrictions entail 'an unprecedented degree of US government intervention to not only preserve chokepoint control but also begin a new US policy of actively strangling large segments of the Chinese technology industry—strangling with an intent to kill' (Allen, 2022). Indeed, the Biden strategy is quite broad as it targets all levels of the supply chain in advanced semiconductors. It aims to (a) deny China's artificial intelligence (AI) industry's access to high-end chips; (b) prevent China from designing AI chips at home by denying access to US chip design software; (c) prevent the manufacture of advanced chips by choking off access to US-built semiconductor manufacturing equipment; and (d) prevent domestic production of semiconductor manufacturing equipment by denying access to US components. High fence indeed, and perhaps not so small a yard either!

Nor is it clear what the so-called 'straightforward' national security concerns really are. While many in Washington, DC would associate national security with permanent technological superiority over China (or any other potential adversary), this strikes us as too broad a justification. 'National security' could easily become magic words that authorize all kinds of unilateral actions if the specific harms generated by a rival's technological development are not laid out and communicated to domestic audiences and foreign rivals alike.

In sum, serious questions remain about US export controls on advanced semiconductors. Were the controls truly well-calibrated, or did they go too far in sabotaging Chinese technological capacity at little gain to US national security? If similar controls expand to other areas of technology such as AI or nuclear fusion, would it still be possible to speak of only a 'narrow slice' of technology being targeted? Perhaps our framework is ultimately toothless: countries will do what they can get away with, and the United States will exercise its power with scant regard for the norms our schema tries to instill. But this strikes as too harsh a reading of the reality. The very fact that the US national security advisor articulated the 'small yard, high fence' doctrine is proof that even major powers feel the need to justify their policies to external audiences so as to legitimize them.

It is instructive to compare the export controls with restrictions on inward investment by Chinese companies such as Huawei and TikTok. In these cases, there are arguably well identified security threats. Although there is no evidence that either company has engaged in spying or cyber-security violations, there is enough uncertainty around their technical capabilities (given the opacity of the software) and the companies' links to the Chinese government to justify Western governments taking a precautionary stance with regard to their domestic operations.

The United Kingdom's approach on Huawei illustrates how Category 2 might work in practice. The British government made an arrangement with Huawei under which the company's products in the UK telecoms market undergo an annual security evaluation. The evaluations are undertaken by the Huawei Cyber Security Evaluation Centre (HCSEC), a facility that opened in 2010 and is governed by a board that includes a Huawei representative

¹³ <https://www.ft.com/content/398f0d4e-906e-479b-a9a7-e4023c298f39?shareType=nongift>

along with senior officials from the British government and the UK telecom sector. HCSEC's reports are public. These reports concluded 'it will be difficult to appropriately risk-manage future products in the context of UK deployments, until the underlying defects in Huawei's software engineering and cyber security processes are remediated'.¹⁴ In July 2020, Britain decided to ban Huawei from its 5G network—though its decision seems to have been a response to pressure from the Trump administration and not the direct result of HCSEC's work.

Beyond the cooperative element—at least in principle—the British approach is also noteworthy for the degree of transparency built into it. Since HCSEC's reports are public, the technical reasoning on which a national-security determination has been made can be seen and evaluated by all parties. This includes domestic firms who may have a commercial stake in Huawei's investments as well as the Chinese government and Huawei itself. This feature alone can help build mutual trust as the parties develop a fuller understanding of others' motives and actions. The Chinese side may come to appreciate the legitimate concerns that the home government has. Conversely, it becomes more difficult for the home government to feign national security concerns when the grounds are weak and are simply a cover for purely protectionist commercial considerations.

By contrast, the US has taken the more autonomous route, but without many of the safeguards we would like to see in Category 3 actions. The US has sought to cripple the company's international activities since the early 2000s, when Huawei first tried to enter the US market. It prevented Huawei from acquiring American companies through the Committee on Foreign Investments in the United States (CFIUS)'s national-security review process. CFIUS has a much wider remit than HCSEC yet publishes only a single annual report. The report contains general statistical information about the cases it has investigated, but it does not provide any of the evidence or reasoning behind its judgements. Neither US citizens, foreign governments, nor foreign investment bodies have any clear and authoritative way to determine whether CFIUS is acting on legitimate national security grounds or solely to protect specific US firms.

In addition, the US Congress also undertook an investigation of the firm. Several rounds of sanctions were imposed on the firm and Huawei's chief financial officer (and the daughter of its founder) was eventually placed under house arrest in Canada stemming from legal charges against Huawei in the United States (Hille *et al.*, 2020). Most critically, the Trump administration banned US corporations from selling chips and other components to Huawei and its suppliers, regardless of where they operate. The clear intention was to deliver a fatal blow to the company by starving it of essential inputs.

Our framework would give the US considerable leeway in applying restrictions on Huawei (or other foreign firms) where operations in the US are concerned. Indeed, the ban on the domestic operations of Huawei might even be broadened to other foreign firms, to the extent that those firms were integrated with Huawei's supply chains and might therefore pose similar security risks. However, the framework is less permissive with respect to the export ban on US corporations and internationalizing the ban unilaterally (i.e. outside a multilateral framework).

The US campaign against Huawei had serious economic repercussions for other countries. If Huawei were to fold, the effects would be crippling for national telecoms companies like BT, Deutsche Telekom, and Swisscom, and others in no fewer than 170 countries that currently rely on the Chinese company's kits and hardware. Poorer nations are overwhelmingly dependent on Huawei's cheaper equipment. These implications suggest that the US export ban also violates the tenets of Category 4, which pertains to spillovers for third parties. Even if the ban were justified on US national security grounds, the US should have engaged in a multilateral process that recognized the economic costs to other nations of cracking down on Huawei in third markets. By proceeding unilaterally in a domain with clear global implications, it acted outside the principles of Category 4 as well.

When nations pursue national security goals through unilateral actions that have negative effects on others, clear objectives, open lines of communication, and targeted remedies are the key. The remedies should be narrowly linked to the damage being addressed and intended solely to mitigate those adverse effects. Countervailing policy responses should not be undertaken for the express purpose of punishing the other side or weakening it in the long run. And nor should failure to reach an acceptable compromise in one area be used as a pretext to retaliate in a different and unrelated domain. Such self-imposed limits on acceptable policies are more likely to avoid escalation (and perhaps gain grudging acceptance from the other side).

(iii) The war in Ukraine

There is no question that Russia's invasion of Ukraine has made the prospects for constructing a more benign world order substantially more difficult. It also reveals the dangers that arise when the key features of our meta-regime are absent or neglected.

¹⁴ Huawei Cyber Security Evaluation Centre Oversight Board (2020).

Russia's invasion is a clear violation of the UN Charter, its troops appear to have been guilty of war crimes, and the International Criminal Court issued an arrest warrant for Russian president Vladimir Putin in March 2023. Russia's actions are a sobering reminder that even well-established norms against conquest or other war crimes cannot always prevent them. Yet the response to the invasion also shows that trampling on well-established norms can also trigger a powerful response by others. At the same time, the West's past failures to observe these same norms help explain why prominent nations in the 'global South' have been less inclined to condemn Russia's actions. (Ash *et al.*, 2023).

The war also highlights the importance of our second category—'negotiations and mutual adjustments'—and reveals what can go wrong when states do not utilize this option to the fullest. Western officials did engage with their Russian counterparts before the war began, but their attempts to persuade Moscow not to invade never addressed Moscow's central concern, namely, the threat it perceived from Western efforts to bring Ukraine into NATO and the EU (Armbruster, 2022; Roberts, 2022). Instead of exploring a genuine compromise on this issue (such as a formal pledge that Ukraine would remain a neutral state), US officials reaffirmed NATO's 'Open Door' policy and its commitment to eventual Ukrainian membership. Regrettably, we will never know whether an explicit US/NATO pledge not to bring Ukraine into the alliance would have prevented a tragic war.

The failure to negotiate a compromise left Russia, Ukraine, and the Western powers in the meta-regime's third category: the realm of independent policy action. Russia took independent action by invading and the United States and NATO responded by imposing unprecedented sanctions on Russia and sending Ukraine tens of billions of dollars of advanced weapons and financial support. Yet as our framework prescribes, each side also sought to calibrate its actions and avoid provocative escalatory steps, at least initially. The Biden administration quickly declared that it would not send US troops to fight in Ukraine or try to enforce a 'no-fly' zone there; for its part, Russia refrained from widespread cyber-attacks, has not expanded the war beyond Ukraine or used a weapon of mass destruction, although Russian officials and commentators have warned that they might escalate in some circumstances. Nonetheless, each side's initial response was at least to some degree 'well-calibrated'.

As is common in wartime, however, this level of restraint gradually broke down. US Secretary of Defense Lloyd Austin told reporters that the United States sought to weaken Russia over the long term, NATO moved to impose a phased embargo on purchases of Russian oil and gas, and prominent politicians and pundits in the West began calling openly for Putin's removal. Over time, Ukraine's backers have begun providing more sophisticated and lethal weaponry, including *Leopard 2* and *Abrams* tanks, *Patriot* air defence missiles, and *Storm Shadow* and ATACM cruise missiles. Russia began attacking Ukrainian cities with missiles and drones, and Ukraine appears to have orchestrated an underwater attack on the *Nordstream 2* pipeline in the Baltic Sea and conducted minor drone strikes in Moscow. One of the combatants—probably Russia—destroyed a major dam on the Dnieper River, causing massive flooding and long-term environmental damage.

Lastly, Western sanctions on Russia largely ignored important multilateral interests. The resulting rise in food and energy prices dealt a severe blow to the economies of low- and middle-income countries, many of which were already suffering from the Covid pandemic. Ending the war and the sanctions will both require multilateral engagement. Both Ukraine and Russia are likely to demand assurances from each other, and to have these assurances reinforced by a United Nations Security Council Resolution and/or an explicit endorsement by the United States and NATO.

(iv) Human rights

Efforts to improve human rights are often stymied by differences over how such rights should be defined and by trade-offs between normative principles and other foreign policy goals. Can our meta-regime suggest constructive ways to approach this divisive issue?

In fact, nearly all countries accept certain basic human rights norms and have agreed to ban certain policies (Category 1). The Universal Declaration on Human Rights (1948) provides a bedrock set of standards and is echoed in similar statements such as the European Convention on Human Rights (1953); 152 states have ratified or acceded to the 1948 Convention on the Prevention of Genocide, making it an established crime under international law; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) defines the proscribed actions and declares that 'no exceptional circumstances whatsoever... may be invoked as a justification'. Although adherence to these and other principles leaves much to be desired, nearly all states agree that certain actions violate basic rights and should never take place.

Human rights disputes are also shaped by 'cooperative negotiations and mutual adjustments' (Category 2). The United States has pressed both allies and adversaries in response to perceived rights violations, and sometimes made other concessions conditional on improved human rights behaviour. For instance, the 1974 Jackson–Vanik

amendment prohibited granting Most Favored Nation trade status to any country that denied citizens the right to emigrate, a restriction that was subsequently replaced by the Global Magnitsky Act (see below). Efforts to ‘name and shame’ human rights violators can fall within Category 2 as well: for example, states identified as lax in dealing with human trafficking can earn more favourable rankings in the State Department’s annual Trafficking in Persons Report by taking concrete steps to address the problem.

States also respond to perceived human rights violations by taking independent action (Category 3), typically by imposing economic or individual sanctions. The United States has sanctioned Syria, Venezuela, Cuba, Russia, China, Myanmar, and several other states for human rights violations, and the European Union has taken similar actions towards Belarus, China, North Korea, Libya, Russia, S. Sudan, and Eritrea (Council of the European Union, 2021).

Our meta-regime specifies that sanctions of this sort should be applied in a ‘well-calibrated’ fashion—i.e. to address the specific violations itself—and not used to weaken a rival or compel it to change some unrelated policy. Recent legislative efforts to condition US military aid to Saudi Arabia are consistent with this principle, as they sought to distance the United States from the indiscriminate Saudi bombing campaign in Yemen and to express displeasure over the murder of Saudi dissident Jamal Khashoggi. Similarly, the 2016 Global Magnitsky Human Rights Accountability Act authorizes the US government to sanction individuals implicated in human rights abuses anywhere in the world and has been invoked to sanction more than 100 individuals from over a dozen countries. This approach is well-calibrated insofar as it targets only officials who are directly involved in a specific violation. Moreover, the United States has invoked the Act to sanction individuals from a broad set of countries, including some US allies, rather than using it solely to punish geopolitical rivals. Efforts such as these show that it is possible to maintain a principled commitment to human rights without having it become ‘power politics by other means’.

By contrast, the human rights measures included in the Trump administration’s ‘maximum pressure’ campaign against Iran fail the test of being ‘well-calibrated’, as they were part of a broader programme to compel additional Iranian concessions or perhaps cause the regime to collapse. Iran’s human rights conduct deserves censure, but the Trump-era sanctions actually worsened humanitarian conditions inside the country, suggesting that protecting ordinary Iranians was not their true purpose (Human Rights Watch, 2019; International Crisis Group, 2020).

Finally, conceptions of and approaches to addressing human rights continue to be debated and promoted in a variety of multilateral forums (Category 4), sometimes involving private firms, multinational corporations and organizations, and civil society groups. The UN Human Rights Council’s adoption of a set of Guiding Principles on Business and Human Rights, developed in collaboration with business associations, individual corporations, and civil society organizations, is a recent example with significant impact on real-world behaviour (Ruggie, 2013).¹⁵

Whenever a particular country, organization, or firm is sanctioned for violating human rights, it reinforces the relevant norms and indirectly affects the position of other states or organizations who may be acting in a similar fashion. In this way, sanctions directed at one state can have spillover effects on others, and especially when a sanctions campaign attracts multilateral support. For this reason, Category 4 will remain an arena where states and other groups debate alternative conceptions of rights (and the proper ways to defend them), either to protect their own interests or to advance rights claims to which they are already committed.

IV. Conclusion

A sceptic might point out that our approach is unrealistic given the current state of geopolitical competition between the US and China. Perhaps, but a key virtue of the approach we have proposed is that the entry costs are low and it does not require the parties to be on friendly terms at the outset. It does not require states to commit in advance to any particular substantive outcome. Nor does it require states to agree to use it across the full range of their relations with other states; it can be deployed in a piecemeal and sequential fashion in different domains. Most importantly, our meta-regime relies not on nations’ goodwill but their self-interest—in particular, their desire to avoid a host of worst-case outcomes, and reap the benefits of as much cooperation as can be sustained.

Our meta-regime is meant to be self-sustaining. Enforcement of its rules will typically come from other states, not from third parties. The value of creating norms and institutions lies in making it easier to detect violations and to help legitimate enforcement actions undertaken in response. This is true of all norms or rules; alleged violations are almost always contested. Violators rarely if ever announce that they have knowingly and proudly broken an established norm. But that does not render the norm useless or meaningless.

¹⁵ On this effort, see Ruggie (2013).

In part because the requirements are so minimal, the meta-regime can help reveal whether rival powers genuinely want to create a more benign order or not. A state that rejected the meta-regime from the start, or whose actions within it revealed that its expressed commitment was bogus, would incur reputational costs and risk provoking greater international opposition over time. By contrast, states that embraced this framework and implemented its principles in good faith would be regarded by others more favourably and would be likely to retain greater international support. In this way, popularizing this approach might incentivize good behaviour all by itself.

A different—and in fact contradictory—criticism would be that our proposal contains little that is new, and that states are already using the meta-regime without having formally embraced it. Like the hero of Moliere's *Le Bourgeois Gentilhomme*, states may have been speaking this language all their lives without being aware of it. Our discussions of US–China tensions over Taiwan and technology, Ukraine, and human rights suggest that this is often—but not always—the case. We see this as an encouraging sign (and a positive one for our approach): if states are already using our four categories to arrange their bilateral relations, or when dealing with important multilateral issues such as migration or human rights, it suggests that our scheme is far from utopian. Even in such instances, there might be added benefits if nations were to endorse and adopt our regime *explicitly*. This would help build trust and credibility and reduce misperceptions about how one's rivals are likely to act or respond.

A further virtue of our approach is that it encourages contending parties to explain and justify their positions and actions, to clarify their redlines *and the reasons behind them*, and to listen carefully to what the other side is saying. Agreements reached in Categories 1 and 2 can enhance each side's understanding of the other's views and interests, and if they prove successful, they can begin to build a degree of trust between them. Reciprocal restraint within Category 3 can also be self-reinforcing, as each side begins to learn that the other can be relied upon at least to some degree. The meta-regime is not a path to a fully harmonious world in which all conflicts of interest have been resolved or rendered harmless; it is simply a way to construct a world order that is somewhat more benign, stable, and prosperous than we are likely to see otherwise.

Finally, our meta-regime invites participation also by non-state actors, civil society organizations, academics, thought leaders, and anyone else with a stake in a particular issue-area. It encourages members of the global community to go beyond the stark antinomy of conflict versus cooperation and ask: (i) what actions should be prohibited outright? (ii) what compromises or adjustments would be feasible and mutually beneficial? (iii) when is independent action to be expected and legitimate and how can we distinguish 'well-calibrated' actions from those that are excessive? and (iv) when will preferred outcomes require multilateral agreement, to ensure that third parties are not adversely affected by agreements or actions undertaken by others? We do not expect such conversations to produce immediate or total consensus, but more structured exchanges on these questions could clarify trade-offs, elicit clearer explanations or justifications for competing positions, and increase the odds of reaching mutually beneficial outcomes.

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