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제목: How to make china pay for COVID-19

(https://www.aei.org/op-eds/how-to-make-china-pay-for-covid-19/ )

April 28, 2020

The more we learn about the origins of the coronavirus, the more compelling the case against China grows. Chinese doctors and scientists encountered Covid-19 patients as early as November 2019 and promptly alerted the authorities. But Beijing clamped down on their efforts to research the virus and notify the world. Beijing allowed large numbers of its own people to enter and leave Wuhan, despite knowing of the risk to them; and even after cordoning off Wuhan from the rest of China, it permitted foreign travel that soon spread the virus to other countries. Yet as Washington and American states continue to fight the pandemic, the campaign to hold China to account is only beginning.

The United States and other nations must hold China accountable not because of anger though that sentiment is entirely justified—nor a desire for retribution.  The world must make China pay in order to create incentives that will force it to improve its behavior.  That may well demand measures that will force China to experience the full costs of its recklessness.

……….Beijing already externalizes the costs of its rapid economic growth and authoritarian control in a variety of ways..Its factories regularly pollute the air not just of its own cities, but of South Korea, Japan and its other neighbors as well. It overproduces commodity products to maintain employment levels. It sends defective, even dangerous, products into world markets including, recently, some [600,000 masks](https://www.businessinsider.com/coroanvirus-holland-recalls-over-half-a-million-masks-imported-from-china-2020-3) that had to be rejected by The Netherlands,

……Some in Congress and the states have already launched the first salvos in response.  Senators Marsha Blackburn and Tom Cotton introduced bills last week to strip China of its sovereign immunity, which could render Beijing liable to lawsuits in American courts.  Some state attorneys general have [filed suit against China](https://www.foxnews.com/politics/missouri-files-suit-against-china-for-enormous-consequences-of-coronavirus-deceit) for the harms caused by the virus. Members of the House of Representatives have asked Attorney General William Barr and Secretary of State Michael Pompeo to sue China in the International Court of Justice.

These proposals may fail on their own, however, because they rely on international law and courts.  Despite its propaganda, China has long refused to observe international norms.  It intervened to kill American troops in the Korean War, which had received the sanction of the United Nations Security Council.  It has attacked most of its neighbors, including Russia, India, and Vietnam, in violation of international law.  It has annexed unwilling territories, such as Tibet.  It has sustained North Korea’s disregard of the international norm of nuclear non-proliferation. And most recently, in the South China Seas, it has constructed artificial islands on the high seas and in the territorial waters of other nations.  Beijing has simply ignored an international arbitral decision finding the man-made islands a violation of the laws of the sea.

China has also consistently violated international human rights norms, for instance in its persecution of ethnic minorities such as its own Uighurs, or of religious minorities like the Falun Gong. It has cracked down on pro-democracy movements in Hong Kong. It uses its military and economic muscle to damage nearby Asian nations, as when it denied Japan the ability to purchase essential rare minerals, or when it exploits its upstream location to cheat its southeast Asian neighbors of their accustomed share of riverine waters. And it has exploited vulnerable African nations without concern for their environments: last June, for instance, a Kenyan tribunal halted the construction of a power plant that China intended to build in violation of Kenya’s environment protection rules and despite the damage to an historic Kenyan city.

Legal remedies will only succeed if the United States and its allies consider aggressive measures that do not rely upon international courts and organizations or Chinese compliance.  Since China would not willingly accept adverse legal judgments from foreign or international courts, and since it is highly unlikely that China’s own courts would hold the regime liable for its wrongs to other nations, those nations should engage in self-help.  They must deploy their sovereign powers to secure compensation and deter future wrongdoing.

First steps include measures that the United States has already taken against nations such as Russia, Iran, and North Korea. The United States could impose economic sanctions on Chinese officials responsible for the suppression of information about the coronavirus or on industries that have stood to benefit from the global response to the pandemic, such as medical equipment suppliers or pharmaceuticals manufacturers. Washington might even impose general tariffs on Chinese imports or restrictions on Chinese investment in the U.S., because it seeks to increase the financial costs on China for its deliberate negligence toward the outbreak. Less opportunity may present itself here, however, due to the administration’s existing use of tariffs to change the terms of US trade with China.

A more aggressive option could turn China’s economic expansion abroad against itself. No longer content to remain a provider of low-cost assembly-line manufacturing, China has rapidly increased its foreign investment both in the United States and abroad. China itself holds an estimated $1.07 trillion in U.S. treasury debt; Chinese companies and nationals have spent the last decade snapping up billions in real estate in America’s priciest cities. Chinese state-owned enterprises have endeavored to buy American high-tech companies with strategic value. Beijing’s Belt and Road Initiative has directed even more money for a new “Silk Road” that will link China to Western markets – BRI has reportedly spent $200 billion on infrastructure projects from Sri Lanka and Pakistan to Greece and Italy.

China’s expansion into foreign property renders it vulnerable. The United States could expropriate Chinese property in the United States. Conceivably, Washington could even cancel Chinese-held treasury debt and using the proceeds to create a trust fund that would compensate Americans harmed by the pandemic. It could claim that in cancelling Chinese holdings of U.S. Treasury debt, the United States is only recouping China’s international debt cancelled by the Chinese Communist Party when it seized power in 1949.

While the United States usually stands in favor of property rights abroad, it has resorted to similar methods during past crises. American states cancelled British-held debts during the Revolutionary War, and under the Jay Treaty of 1796 the federal government ultimately paid compensation to those with claims against the British. In response to the Cuban Revolution of 1959 and the Iranian Revolution of 1979, the United States froze foreign government assets and attempted to use them to compensate Americans who lost property or businesses.

To be sure, Chinese owners of assets expropriated by the United States could argue that they were entitled to “just compensation” under the Fifth Amendment for the “taking” of their property. The Supreme Court ruled long ago in the [*Russian Volunteer Fleet case*](https://supreme.justia.com/cases/federal/us/282/481/) that “friendly” aliens were entitled to just compensation for a governmental seizure of their U.S. assets. And expropriation is the paradigm of a “taking.” But if just compensation had to be given to these property owners, the very purpose of the expropriation would be defeated. The basic answer, however, is that the U.S. government has seized foreign assets in the past (from Cuba and Iran) and paid them out to compensate the American victims who suffered harms at the hands of those governments. In such circumstances, no compensation to the foreign asset holders was constitutionally due.

**제목: China can’t be ‘scapegoated’ if it’s actually guilty**

(https://www.aei.org/op-eds/china-cant-be-scapegoated-if-its-actually-guilty/)

April 22, 2020

“The blame-Trump-for-everything crowd is accusing Republicans of pointing the finger at China for the [coronavirus](https://www.washingtonpost.com/health/2020/02/28/what-you-need-know-about-coronavirus/?tid=lk_inline_manual_2&itid=lk_inline_manual_2" \t "_blank) pandemic to divert attention away from the Trump administration’s response.”

“Today, some in the media are arguing that any effort to blame China is a plot to deflect criticism from Trump”

**제목: Trump can blame the pandemic preparedness failure on Biden — and rightly so** (https://www.aei.org/op-eds/trump-can-blame-the-pandemic-preparedness-failure-on-biden-and-rightly-so/) [**Marc A. Thiessen**](https://www.aei.org/profile/marc-a-thiessen/)[@marcthiessen](http://www.twitter.com/marcthiessen)

April 29, 2020

“Before the pandemic, President Trump seemed poised for reelection. Now, with the economy in lockdown and [record numbers](https://www.washingtonpost.com/business/2020/04/23/economy-coronavirus-unemployment/?tid=lk_inline_manual_2&itid=lk_inline_manual_2) of Americans filing for unemployment, Republicans are increasingly worried that the pandemic could cost them the White House…”………

First, Trump will blame our lack of preparedness on the former vice president, and rightly so. He will point out that during the [2009 swine flu pandemic](https://www.cdc.gov/flu/pandemic-resources/2009-h1n1-pandemic.html) the Obama-Biden administration depleted the Strategic National Stockpile of masks, gowns and respirators, and [never replenished](https://www.washingtonpost.com/investigations/face-masks-in-national-stockpile-have-not-been-substantially-replenished-since-2009/2020/03/10/57e57316-60c9-11ea-8baf-519cedb6ccd9_story.html?tid=lk_inline_manual_5&itid=lk_inline_manual_5) it.

…Trump will say that Democrats presided over the outsourcing of US manufacturing capacity, leaving us dependent on communist China,

Trump will lay the blame for the virus on the Chinese regime and paint Biden as weak on China. Biden understands this and is trying to inoculate himself with [ads claiming](https://www.washingtonpost.com/opinions/global-opinions/trump-and-biden-each-say-the-other-is-in-chinas-pocket-its-sleazy-for-both/2020/04/24/2c4b171a-83f6-11ea-a3eb-e9fc93160703_story.html?tid=lk_inline_manual_10&itid=lk_inline_manual_10) that Trump is in Beijing’s pocket. Good luck with that. Before the pandemic, Democrats were complaining Trump was starting a trade war with China. Now he’s too soft?....

That said, the pandemic does pose real risks for Trump. ….

**제목: China has no reason to make a deal on nuclear weapons. But the Trump administration is right that dealing only with Russia makes no sense.**

(https://www.aei.org/op-eds/china-has-no-reason-to-make-a-deal-on-nuclear-weapons/)

[**Hal Brands**](https://www.aei.org/profile/hal-brands/)

April 29, 2020

Secretary of State Mike Pompeo has informed his Russian counterpart, Sergei Lavrov, that any future agreement on nuclear-arms control between the US and Russia must also include China. This shift to trilateral negotiations is part of the Trump administration’s effort to remake great-power arms control for a new era.

It’s a reasonable approach, which accurately holds that the old bilateral formula has become disconnected from reality. Whether the US can build the leverage necessary to make this new approach succeed — particularly vis-à-vis China — is far less certain.

The Donald Trump administration, in pursuing this strategy, is breaking with two prior arms control paradigms. The Cold War model focused on stabilizing the competition between Moscow and Washington by capping the size of their nuclear arsenals and limiting their pursuit of the most destabilizing systems. The post-Cold War approach focused on cleaning up the strategic residue of the superpower conflict — namely, by reducing US and Russian arsenals.

The most recent such agreement was New Start, signed in 2010. That pact trimmed the number of deployed strategic nuclear warheads to roughly 1,550 on either side; it limited the US and Russia alike to 700 deployed intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear-capable heavy bombers.

Over time, however, two developments degraded the strategic value of the second paradigm. First, the Russians stopped honoring key agreements, while also carrying out a major nuclear-modernization program. In 2018, the Department of Defense reported that Moscow was violating several nuclear and conventional arms control pacts.

Most important was the Intermediate-Range Nuclear Forces Treaty of 1988, which Russia broke by developing and deploying ground-launched missiles of a prohibited range. This left the U.S. as the only country in the world that was effectively constrained from building ground-launched missiles — conventional or nuclear-tipped — with a range between 500 and 5,500 kilometers. After the Barack Obama administration spent several years trying to bring Moscow back into compliance, the Trump administration withdrew from the treaty last year.

Second, the old approach ignored the rise of China. Since Beijing was not a party to the INF Treaty, it was free to assemble a fearsome arsenal of intermediate-range missiles to target US bases, ships and allies in the Western Pacific. Washington, as part of the agreement with Russia, was unable to respond by deploying such missiles of its own. As the US reduced its nuclear inventory, moreover, China began to build up its comparatively modest arsenal.

In 2019, the head of the US Defense Intelligence Agency observed that Beijing “is likely to at least double the size of its nuclear stockpile” over the next decade. The US increasingly found that existing control agreements did not correspond to a changing strategic situation — and even weakened its position vis-à-vis Beijing.

Pompeo’s recent remarks hint at the administration’s response to this problem. By withdrawing from the INF Treaty, the administration has sought to free the US from agreements that inhibit its ability to compete with Russia or China. By signaling that it expects future agreements to be trilateral, the administration is serving notice that it will no longer give China a free pass.

And by recommitting to a major nuclear modernization program that dates back to the Obama administration — while also pursuing innovations such as lower-yield nuclear weapons meant to strengthen the credibility of the American deterrent — the administration is trying to build the pressure that might allow for more advantageous arms control deals in the future. Before the US can build down, in other words, it will have to build up…….

Withdrawal from the INF Treaty was not as damaging to the unity of NATO as some observers feared at the time; there are early signs that US allies in the Asia-Pacific might eventually be willing to host INF-range missiles (probably conventional rather than nuclear). Most important, the Trump administration’s approach reflects an understanding of the paradoxical logic of arms control — that intensifying an arms race is often a precondition to de-escalating it on favorable terms

Nonetheless, the administration faces some real challenges. For one, China currently has little reason to enter a trilateral agreement on either intercontinental or intermediate-range systems, precisely because it enjoys many of the benefits of arms control with few of the liabilities.

The US could, over time, give China a reason to cooperate, by showing that its position will worsen as America deploys INF-range systems in the Asia-Pacific and modernizes its own arsenal. Unfortunately, the US modernization program has been delayed repeatedly, and its future seems uncertain given the potential for Covid-19 to devastate the defense budget as it has devastated the economy. If Trump or a future Democratic president comes to see the US arsenal as a source of budgetary savings, America may end up lacking the leverage needed to force its competitors to the table…