

## The People's Republic of China, International Law and Arms Control, by David I. Salem

Shao-chuan Leng

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mjil>



Part of the [International Law Commons](#)

---

### Recommended Citation

Shao-chuan Leng, *The People's Republic of China, International Law and Arms Control*, by David I. Salem, 9 Md. J. Int'l L. 265 (1985).  
Available at: <http://digitalcommons.law.umaryland.edu/mjil/vol9/iss2/15>

This Article is brought to you for free and open access by DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Journal of International Law by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact [smccarty@law.umaryland.edu](mailto:smccarty@law.umaryland.edu).

**THE PEOPLE'S REPUBLIC OF CHINA, INTERNATIONAL LAW AND ARMS CONTROL.** By David I. Salem. Baltimore, Md.: Occasional Papers/Reprints in Contemporary Asian Studies, 1983, 315 pp., \$15.00 (cloth), \$7.00 (paper).

Although continuing to refuse to accede to the Partial Test Ban Treaty<sup>1</sup> and the Non-Proliferation Treaty,<sup>2</sup> the People's Republic of China (PRC), nevertheless, is showing an increasing interest in matters regarding arms control and disarmament (ACD). The PRC's latest attitude, along with its growing nuclear-missile capabilities, raises the question of how to get any serious Chinese involvement in arms control efforts, a major international concern.

The book under review is a timely study by an American lawyer knowledgeable in Chinese affairs. Its purpose is to analyze relevant aspects of the PRC's legal system and Chinese perceptions of international law in connection with negotiating a future ACD agreement that may include provisions for the presence of an arms inspectorate on Chinese territory.

There are three parts in the book. Part I discusses arms inspection in the context of the Chinese system. Among the topics examined are the PRC and the concept of sovereignty, Chinese attitudes towards international law, international organizations, and disarmament, the political-legal system of the PRC, and the role of the Chinese Communist Party and its ideology. Part II addresses legal problems associated with the existence and operation of an inspectorate on PRC soil. The status of foreign nationals on Chinese territory, diplomatic privileges and immunities under existing Chinese law, and freedom of movement and operations in the PRC are all analyzed in some detail. Part III deals with legal problems directly confronting an inspectorate during the course of verification procedures. Salem examines the collection of information in light of Chinese secrecy laws, the interrogation of Chinese officials and civilians, and production and procurement of evidence.

The basic premise of the work is that provisions for on-site verification of disarmament procedures are crucial to the execution of an effective ACD measure. Yet such arrangements, as pointed out by the author, tend to clash with the Chinese stand on sovereignty and with the intricate control processes in the PRC's party-dominated political system. On the other hand, Mr. Salem sees some hopeful signs in recent Chinese ACD policy, particularly in Beijing's reference to the need for effective measures for in-

---

1. Aug. 5, 1963, 14 U.S.T. 1313, T.I.A.S. No. 5433, 480 U.N.T.S. 43.

2. July 1, 1968, 21 U.S.T. 483, T.I.A.S. No. 6839, 729 U.N.T.S. 161.

ternational verification to ensure compliance with disarmament accords. If and when active Chinese participation in ACD negotiations occurs in the future, he contends, negotiators must be prepared to address the important issues of verification with a firm knowledge of the PRC policy-implementation process.

Prior to the book's publication, the PRC had joined the International Atomic Energy Agency (IAEA), and has accepted the need for IAEA safeguards against diversion of fissionable material. Still, the Chinese position on verification issues is rather ambiguous and there is no concrete evidence to suggest the PRC's readiness to accept arrangements for on-site inspection. Probably, as a confidence-building move, it would be more realistic to secure China's commitment first to verification by national technical means, that is, various technical intelligence techniques, including photoreconnaissance satellites, before its acceptance of on-site inspection. Sufficient attention to Soviet behavior and experience in ACD matters would also provide a good deal of perspective.

On the whole, *The People's Republic of China, International Law, and Arms Control* is a well-researched and thought-provoking book. It is primarily directed toward specialists and especially useful for those engaged in future ACD negotiations with the PRC.

*Shao-chuan Leng\**

---

\* B.A., National Central University (China); M.A., Yale University; Ph.D., University of Pennsylvania; Doherty Professor of Government and Chairman of the Committee on Asian Studies, University of Virginia.