INTERNATIONAL INTERVENTION

# 国际干预与国家主权

STATE SOVEREIGNTY

改革开放论坛 China Reform Forum

编纂

美中关系全国委员会

National Committee on United States-China Relations

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### 国际干预与国家主权

## International Intervention and State Sovereignty

——中美"国际干预与国家主权" 研讨会论文集

> 改 革 开 放 论 坛 美中关系全国委员会

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#### 序 言

2002年1月,美国美中关系全国委员会代表团访问 北京,与改革开放论坛联合举办了"国际干预与国家主 权"研讨会。中美双方学者就联合国关于国际干预与国 家主权的报告、国家主权理论的新发展、国际干预的法 律问题、国际干预个案比较分析和全球化时代的国家主 权等问题展开了深入探讨。经过两天的讨论,双方就以 上议题提出了许多深刻的看法和建议。

改革开放论坛致力于中国改革开放进程中前瞻性理论的研究与交流,而"国际干预与国家主权"是近年来国际关系领域出现的新热点、新课题,所以改革开放论坛非常愿意搭建一个平台,让中美双方的有关专家学者坐在一起,畅所欲言,展开实质性的讨论。美中关系全国委员会遴选了五位颇有见地的学者,他们有的长期关注这一课题的研究,有的在这一领域具有实际工作经验,分别从不同的角度阐述了自己的分析与看法,非常具有代表性。中方的学者也分别来自外交部、中共中央党校、

中央政策研究室、中国现代国际关系研究所、中国社会科学院、清华大学、人民大学、外交学院等不同的部门,较全面地反映了国内对这一课题的看法。

根据改革开放论坛与美中关系全国委员会的共识,我们将研讨会主要发言人的讲话汇编成册,以期对这一课题的讨论起到更好的推动作用。为适应中美双方学者的不同需要,本书采用了中英文两种语言形式,力求引起中美双方对此有兴趣的人士的关注。

需要指出的是,书中各篇文章均是作者本人的个人 观点,不代表改革开放论坛和美中关系全国委员会的立 场和看法。

在本书的编辑和翻译过程中,改革开放论坛得到了 许多专家学者的帮助,他们对本书提出了许多宝贵的意 见,在此一并表示感谢。

最后,感谢福特基金会对此交流项目的慷慨资助。

子龙板

改革开放论坛副理事长 二〇〇三年十月

#### Preface

January, 2003

In January 2002, the delegation of National Committee on United States-China Relations (NCUSCR) of United States visited Beijing and co-held with China Reform Forum the seminar on "International Intervention and State Sovereignty". Participants from China and the U.S. had indepth discussions on the following issues: the U.N's report on international intervention and state sovereignty, new development in the theories of state sovereignty, legal

issues in international intervention, cases studies about international intervention, state sovereignty in the age of globalization. Participants on both sides gave a lot of insightful views and suggestions on the above topics during the two-day discussion.

China Reform Forum (CRF) commits itself to researches and exchanges of foward-looking theories during the process of China's reform and opening up. As "International intervention and national sovereignty" has become a new focus and subject in the area of international relations, CRF would very much like to provide a platform on which those concerned experts and scholars from China and the U.S. can sit down, express themselves freely and hold substantive discussions. NCUSCR selected five insightful scholars, among whom some have long been focusing their studies on this subject, some possess firsthand working experience in this field. They, as representatives of U.S. scholars, elaborated their own analyses and views from various perspectives. The Chinese scholars were also from different institutions, such as the Ministry of Foreign Affairs, Central Party School of CPC, the Office of Policy Research of Central Committee, China Institute of International Affairs, China Institute of Contemporary International Relations, China Academy of Social Sciences, Tsinghua University, Ren min University, College of Foreign Affairs, etc, so they were able to comprehensively reflect the views on this subject in China.

According to consensus between CRF and NCUSCR, we would compile the key speakers' presentations in order to give a push to discussions on this subject. This book will be published in Chinese and English to meet respective needs from both sides' scholars, trying to draw attention from those interested people both in China and the U.S..

What should be noted is that all the articles in the book are the authors' own views, not positions and views of CRF and NCUSCR.

During the process of this book's editing and translating, CRF has got much help from lots of experts and scholars, who have given their precious views and suggestions. Here we would express our thanks to them all.

In the end, thanks for the generous financial support from Ford Foundation to this exchange project.

Li Junru

Vice Chairman
China Reform Forum

#### 前言

应该允许或鼓励外部力量(单个国家、特别国家联盟或国际组织)干预国际冲突和国内人道主义危机吗?实际或潜在人道灾难达到什么水平才能使此类行动势在必行?主要国家权利的极限是什么?如果干预势在必行,应该进行干预,干预的性质应该是什么?如果干预势在必行,应该由什么机构为这些事情制定规则?近年来,随着国际社会开始考虑索马里、波斯尼亚、海地、卢旺达、科索沃和东帝汶的事情,这些问题引发了越来越多的争论。1999年9月20日,在联合国大会的开幕词中,联合国这形并论走上了核心舞台。他说:"国家主权的最基本意对,这种重新界定……"他指出,这种重新界定是几个因素共同作用的结果,包括:全球化的力量、大量的国际行动、国家被认为是服务人民而非其他目的的工具、个人权利概念的增长。

中国不失时机地对安南的讲话做出了反应。三天之

后,外交部长唐家璇在联合国的发言中讲道:"尊重国家 主权和不干涉原则是'处理国际关系的基本准则',任何 背离这些原则的行为都将导致炮舰外交,'造成混乱。'"<sup>①</sup>

在如何看待国家主权和国际干预上,中国和美国一直以来缺乏理解,意见很少一致。在中国,人们普遍认为美国干涉主义背后的驱动力是强加意志、扩展影响的欲望。另一方面,许多美国人认为中国对其他国家人民的苦难麻木不仁,只关心不要制造允许外来力量干涉国内事务的先例。在本书中,我们将看到,这些观点都没有认识到两国国内讨论中的复杂性。

本书是由美中关系委员会倡导、中国同行倾力支持 之下的一个项目的成果之一。从 2002 年 1 月 4 日至 16 日,北京、上海和南京三地相继举办了一系列研讨会、 座谈会和会见。美方代表面由五位专家组成,他们背景 不同(学术、法律、公共政策、军队和媒体),对国家主 扫和国际干预问题的观点也不相同。中方参会人员是来 自中国重要思想库和大学的专家学者。

本项目适逢题为《保护的责任》报告发表之时。在 1999年9月20日讲话以及2000年4月"联合国千年会议"讲话之后,科菲·安南在几家杂志和报纸上发表文章,继续敦促国际社会回答干预应在何时出现、尊重谁

① 《纽约时报》, 1999年9月23日, 第A5版。

的权威、如何执行干预等问题。作为响应,加拿大政府成立了一个独立的干预与国家主权国际委员会(ICISS),并于 2001 年 12 月 18 日向安南秘书长提交了报告。在代表团访华期间,这篇报告成为集体讨论中不可缺少的一部分(查询 ICISS 的有关信息请登录 http://www.ciise - iciss. gc. ca/menu - e. asp, 获取该报告中文版请登录 http://www.ciise - iciss. gc. ca/pdfs/Chinese - report. pdf)。

中美双方参会人员对会议准备了论文,本书汇集了在北京由中国改革开放论坛主办的研讨会上发表的部分文章。美方代表的所有论文(中文版和英文版)可以在美中关系全国委员会的网站(www.ncuscr.org)上找到,粘贴在"文章与讲话"栏目之下。寇艾伦是康奈尔大学政府系专门研究中国外交政策的助理教授,他根据北京和上海研讨会的讨论和文章撰写了一篇专论,将在美中关系全国委员会的《中国政策系列》上发表,也可以在美中关系全国委员会的网站上获取。

美方代表团在中国的接待方有三家组织:北京的中国改革开放论坛、上海国际战略问题研究所和霍普金斯南京中美研究中心。美中关系全国委员会对三家组织积极有效的努力表示感谢,它们确保了单个研讨会和整体项目的成功进行。美中关系全国委员会对美国国务院教育和文化事务局的慷慨资助、福特基金会的资金支持表

示感谢,也对中美双方的参会人员表示感谢,他们对这个题目贡献了时间、智慧和热情。

本书的读者会发现,无论在中国还是在西方,对主权和干预问题的兴趣日益高涨。在美国,这些问题带来了一场大辩论,美方专家观点各异就是例证。尽管中方专家学者的观点一致性更为明显,但其实也有许多不同看法。该项目重在为中美双方有关人士提供更多的机会,本着增进了解、消除误解的原则讨论这些以及类似问题。

美中关系全国委员会会长 何立强 美中关系全国委员会副会长 白莉娟 二〇〇二年八月

#### Introduction

Should outside forces (individual states, ad hoc coalitions of states or international organizations) be permitted or encouraged to intervene in interstate conflict or intrastate humanitarian crises? What is the level of actual or potential human suffering that should define when such action is called for? What are the limits of the rights of sovereign states? If intervention is called for, who should intervene, and what should be the nature of the intervention? What body, if any, should rule on such matters? These questions

have been debated in recent years with increasing frequency; as the international community has considered the crises in Somalia, Bosnia, Haiti, Rwanda, Kosovo, and East Timor. The debate was brought to center stage by U. N. Secretary-General Kofi A. Annan when he challenged traditional notions of sovereignty in the speech he gave September 20, 1999 to open the United Nation's General Assembly: "State sovereignty, in its most basic sense, is being redefined..." He suggested that this redefinition is the result of several factors, among them the forces of globalization; a greater amount of international cooperation; states now being perceived as instruments serving their peoples, and not the other way around; and the growth of the concept of individual rights.

China lost no time in responding to Secretary Annan. In a speech to the United Nations three days later, Foreign Minister Tang Jiaxuan said that "respect for national sovereignty and noninterference are 'the basic principles governing international relations, 'and any deviation would lead to gunboat diplomacy that would wreak havoc.'"

China and the United States have tended to have little understanding of, or sympathy toward, the other's views on

① The New York Times, September 23, 1999, p. A5.

state sovereignty and international intervention. In China there is a widespread perception that the driving force behind American interventionism is its desire to impose its will and extend its influence. Many Americans, on the other hand, view China as insensitive to the sufferings of those in other countries and concerned only to ensure that no precedents are set that might permit outside interference in its own internal affairs. As we will see in this report, these views do not capture the complexity of the evolving debate in both countries.

This report is one of the results of a project initiated by the National Committee on United States-China Relations and carried out with the invaluable support of colleagues in the People's Republic of China. A series of workshops, panel programs and meetings were held in Beijing, Shanghai and Nanjing between January 4 and 16, 2002. The American delegation consisted of five specialists from different backgrounds (academic, legal, public policy, military and media), and holding different perspectives on the issues of state sovereignty and international intervention; participants on the Chinese side were senior representatives from China's leading think tanks and universities.

The project was timed to coincide with the publication