

Network-based Governance in the Belt and Road Initiative: A Chinese Approach to Institutionalization?

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Abstract

The Belt and Road Initiative (BRI) was officially launched in 2013, and over 6 years, it has been widely recognized and officially supported by a number of countries and international organizations. BRI is viewed by China as a flexible, inclusive, and open vision for building a comprehensive network that promotes connectivity and cooperation between countries, regions, and cities along the Belt and Road. It has prompted a variety of scholarly discussions in different legal domains such as trade, investment, international financial aid, etc. At the same time, BRI has not been institutionalized in comprehensive normative structures. The legal scholarship on BRI still remains fragmented and BRI itself is more of a buzzword than a legal concept. Nonetheless, BRI has already found its way into various international documents, taking forms of Memorandum of Understanding, Joint Announcements, Plans of Action and treaties ranging from the broad strategic arrangements to the sector-specific agreements between China and other international actors. The proposed paper intends to provide a holistic appraisal of the governance model of BRI by conducting a preliminary scrutiny on these official documents.

The proposed paper examines the structural design and legal status of approximately 70 official documents, based on the list of Deliverables of the first and second Belt and Road Forum for International Cooperation (BRF), and investigates how these normative instruments help China achieve its global strategy. The proposed paper argues that BRI is envisaged to be a network-based global governance model to enhance synchronization and connectivity, as well as enhancing China's discourse power in a Western-dominated international arena. As a result, the top priority of BRI at this stage lies on consolidation, rather than regulation. Drawing on the theory of network effect, the paper attempts to account for how soft legal instruments and "relational-based partnership" model widely employed in BRI could generate focal points for

cooperation and coordination between China and each participant countries, and attract countries with heterogeneous national interests. Finally, the paper concludes with a brief review of the prospect of institutionalization of BRI as distinctive global economic governance paradigm.