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In a Fortnight

TAIWAN PIVOTS IN THE SOUTH CHINA SEA

By L.C. Russell Hsiao

The latest escalation of tensions in the South China Sea has introduced new dynamics in the increasingly complex cross-strait equation. The newest row over the disputed Spratly islets stands apart from previous conflicts in that it has invited an assertive U.S. response in support of “freedom of navigation.” Amid growing tensions between China, Vietnam and the Philippines, the U.S. Navy on June 1 deployed the guided-missile destroyer USS Chung-Hoon to the South China Sea and Sulu Sea to assert the right of free passage. While Taiwan, which is one of the claimants to the Spratlys, adopted a low-key approach to managing maritime disputes vis-à-vis China at the outset of the Ma Ying-jeou administration, the Ma government appears to be recalibrating its strategy toward the contested territories in an apparent effort to balance the changing strategic environment (See “Taiwan’s Spratly Initiative in the South China Sea,” *China Brief*, February 29, 2008).

Press release No.186, issued by Taiwan’s Ministry of Foreign Affairs on June 7, entitled, “Ministry of Foreign Affairs of the Republic of China (Taiwan) reiterates that the Nansha Islands, the Shisha Islands, the Chungsha Islands and the Tungsha Islands, as well as their surrounding waters, sea beds and subsoil are all an inherent part of the territory of the Republic of China (Taiwan),” emphasized Taiwan’s support for the U.S. position on the principle of “freedom of navigation” (Mofa.gov.tw, June 7; *Wen Wei Po* [Hong Kong], June 8). On June 15, Yang Yi, spokesman for the Chinese State Council’s Taiwan Affairs Office, responded that China has indisputable sovereignty over the South China Sea islands and their surrounding waters, and that people from both sides of the Taiwan Strait have a shared responsibility to safeguard sovereignty over the islands and their surrounding waters (Xinhua News Agency, June 15). Yang’s statement has been interpreted by some Chinese media as Beijing’s desire to cooperate with Taiwan on managing maritime disputes in the region (*Global Times*, June 17).

Taiwan (Republic of China) and China (People’s Republic of China) both legally claim sovereign rights

over the Spratly archipelago composed of islets and reefs in the form of a U-shaped line based on the same assertion that they are historically Chinese waters. The ambiguity in the two sides' legal position has allowed China and Taiwan to maintain stability by avoiding the issue of sovereignty in maritime disputes. Yet, against the backdrop of increased Chinese assertiveness over territorial disputes in the South China and East China Sea in recent years, the Ma government appears to be moving away from this ambiguous stance. By emphasizing support for the principle of "freedom of navigation" along strategic sea lanes in the South China Sea, the Ma administration is possibly committing to a more robust military presence in the region. Indeed, the local media has reported that Taiwan is considering deploying missile boats and tanks to the disputed islets (*United Daily News* [Taiwan], June 14).

The Taiwanese Navy is also reportedly deploying a naval fleet to Taiwan-controlled Taiping Island—the biggest island in the Spratlys—and the Pratas archipelago on a routine mission, possibly later this month. Taiwan operates an airstrip with a 3,800-foot-long, 100-foot-wide cement path on Taiping Island (See "Taiwan's Spratly Initiative in the South China Sea," *China Brief*, February 29, 2008). According to *United Daily News*, the missions, which are supported by the coastguard, normally take place at least three times a year: March, June and September. A Taiwan navy spokesperson cited by AFP stated that, "The scheduled missions will go unchanged. Otherwise there won't be enough logistic supplies to the coastguards stationed there" (Channel News Asia, June 14; *United Daily News*, June 15). The fleet will be formed by three vessels that will reportedly include the Navy's *Cheng Kung* class frigate [Perry] and *Zhong He* class [Newport] (LST) (*United Daily News*, June 15). The Taiwanese coastguard has 130 men stationed on Taiping Island; however, according to Taiwan's Defense Ministry spokesperson David Lo, "currently the coastguards in Nansha (Spratlys) and Tungsha (Pratas) are only armed with light weapons" (TodayOnline, June 13).

The Ma government's emphasis on the "freedom of navigation" in the South China Sea is a subtle but significant departure from the administration's low-key approach and could have important implications for cross-Strait relations. Coupled with the Taiwanese government's plan to possibly deploy patrol vessels and additional military assets on the disputed islets may signal a rethink and a possible shift in the administration's position on maritime disputes vis-à-vis China. Indeed, in spite of the growing tensions and conflict in the South China Sea, since President Ma came into office in 2008, Taiwan had been relatively quiet about the South China Sea. This led some observers to suspect that the Ma administration was leaning too much toward China (*China Post*, April 18). If, in fact, the Ma administration intends to draw a distinction between Taiwan's and China's interpretation of its territorial claim, it would demonstrate Taiwan as an independent claimant to the dispute. This will likely lead to more friction between Taiwan and China over competing maritime claims. Amid growing concerns about his administration's increasing tilt toward China, Ma's shift may be seen as a sign of reassurance by the current government to regional neighbors and the United States that it will maintain a balance while still pursuing cross-Strait rapprochement.

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CCP Tightens Control over Courts

By Willy Lam

Chinese Chief Justice Wang Shengjun's advocacy of out-of-court mediation as a favored means of settling civil disputes and "enhancing social harmony" has raised concerns about the further deterioration of the country's rule of law and judicial independence. At a recent seminar for senior judges, Wang, who has been president of the Supreme People's Court (SPC) since early 2008, praised *tiaojie* ("mediation and reconciliation") as an "effective way to handle social conflicts and promote harmony." He asked the judges to "aim for a synthesis of mediation and adjudication, with priority being given to mediation." "Upholding the priority of mediation tallies fully with the original spirit behind China's law-making," he indicated. "It is also a development of legal-culture traditions such as 'valuing harmony' and 'playing down litigation and ending conflict'" (Xinhua News Agency, May 30; Caing.com [Beijing], May 31).

The Chinese Communist Party (CCP) administration's push for mediation is understandable given the estimated 180,000 cases of riots, protests and disturbances that erupted in China last year (Bloomberg, June 13; Hk.msn.com, March 11). Since the spring, the country has been rocked by horrendous incidents including suicide bombings in several cities and prolonged confrontations between protestors and the People's Armed Police in Inner Mongolia and Guangdong Province (See "Chinese Citizens Challenge the Party's Authoritarian Tilt," *China Brief*, June 3). The National People's Congress (NPC), China's legislature, passed the "Law on mediation of the People's Republic of China" last August with the purpose of building multiple layers of institutions for pursuing "a harmonious society." An NPC spokesman indicated at the time that "mediation and reconciliation is the first line of defense against contradictions in society" (Sina.com, August 28, 2010; China.com.cn, August 30, 2010).

While police, prosecutor's offices, courts, as well as party and government departments are charged with implementing *tiaojie*, the courts have been at the forefront of promoting Chinese-style reconciliation. Since 2009, Chief Justice Wang has instructed regional and grassroots-level judges to play a key role in persuading parties to civil conflicts to settle out of court. In some provinces, at least half of civil cases handled by the courts have been resolved through mediation instead of adjudication. Wang pointed out in last March's SPC Report to the NPC that 65.29 percent of civil and business-related cases heard last year by courts of various levels were dropped in favor of mediation. This was 3.31 percent more than the comparable figure in 2009 (Xinhua News Agency, March 19; *People's Daily*, March 20, *Wall Street Journal*, May 31). Indeed, Chief Justice Wang noted as early as 2009 that Chinese courts had the prime mission of "upholding [economic] growth, upholding people's livelihood, and upholding [socio-political] stability." "Judges are social workers as much as legal workers," Wang asserted. "While judges should know how to use the law to handle cases, they should be even more conversant with ways and means of defusing social contradiction" (*New Beijing Post* [Beijing], March 12, 2009; Chinalawinfo.com [Beijing], March 12, 2009).

The substitution of the due process of law by mediation, however, has

been criticized by experts as eroding the rule of law, and depriving citizens of their constitutional rights of being protected by legal and judicial institutions. Ong Yew-kim, an adjunct professor at Beijing's China University of Law and Political Science, pointed out that *tiaojie* was, in fact, evidence of a rolling back of legal and judicial reform. "The professional status of the courts has been compromised since judges are asked to engage in the political task of upholding social harmony," Ong said. "Ordinary Chinese who want to seek legal redresses may be turned away by the courts under the pretext of maximizing harmony." Vice-President of Beijing's Renmin University Wang Liming warned that legal professionals should "guard against the judicial tendency of putting excessive emphasis on mediation." "Courts are not mediation organizations," said Wang, a legal scholar and NPC member. "Putting mediation above adjudication is at variance with the social status and functions that the law has given our courts" (Caing.com, March 12; *South China Morning Post*, June 10).

Two recent cases of *tiaojie*, which have been handled by police in tandem with judicial organs, have underscored the dangers of putting harmony above the rule of law. In the run-up to the 22nd anniversary of the June 4, 1989 crackdown, the Tiananmen Mothers—a world-renowned NGO seeking justice for the massacre victims—disclosed that authorities in the capital had tried to "mediate" with the parents of a Tiananmen victim by offering them an undisclosed sum of money. The strings attached to this *tiaojie* ploy were that the parents would have to give up their right to sue the party and government for responsibility for the killings. In an open letter released on June 1, the Tiananmen Mothers said this attempt by the powers-that-be to seek a "private settlement" through paying hush money amounted to "desecrating the spirit of the June 4 victims and hurting the personal dignity of the victims' relatives" (*Ming Pao* [Hong Kong], June 1; Voice of America, June 1; Radio Free Asia, May 31).

The other incident involves the hundreds of thousands of parents whose infants fell sick in 2008 and 2009 after consuming milk powder tainted with melamine. Since then, efforts by the victims' relatives—as well as by Zhao Lianhai, the well-respected head of an NGO representing the aggrieved parties—to take the manufacturers to court have been in vain. Attempts by four parents to seek compensation via Hong Kong courts were also unsuccessful. Zhao himself was sentenced last November to two-and-a-half years in jail for "inciting social disorder." Since 2010, however, representatives of the China Dairy Products Association (CDPA) as well as relevant health and police departments have been putting pressure on concerned parents to consider out-of-court *tiaojie*. Last month, the CDPA announced that 270,000 families had accepted a total of 910 million yuan (US\$) of compensation. Chinese and Hong Kong media have reported that as a result of pocketing the one-off "reconciliation fee," the parents have given up their right to future legal action. Zhao, who was released on medical bail earlier this year, noted that "many families had no choice but to accept the meager settlement because they could not get a fair hearing in the courts," (*Ming Pao*, May 11; *Wen Wei Po* [Hong Kong], May 16; Caixun.com [Beijing], June 9).

The substitution of due legal process by mediation is only one manifestation of the overall degeneration of judicial standards. That judges, together with public-security agents, have become an integral part of the CCP's apparatus for imposing "democratic proletarian

dictatorship" against its perceived enemies was evidenced by the heavy sentences that the courts have slapped on hundreds of dissidents and NGO activists since the late 2000s. While Chief Justice Wang has advocated mediation and reconciliation to promote harmony as an overall principle, the courts have worked hand-in-glove with police units to mete out stiff jail terms to dissidents in the apparent absence of sufficient evidence. For example, scholar and public intellectual Liu Xiaobo was sentenced in late 2009 to 11 years in jail for "inciting subversion of state power." A year later, the pacifist activist, whose most famous statement is "I have no enemies," was awarded the Nobel Peace Prize to world acclaim (*The Guardian* [London], January 12; *New York Times*, April 30).

A just-published book by Chinese University of Hong Kong Law Professor Mike McConville noted that judges and prosecutors had suffered from increasing "administrative interference" by parties including the police and the CCP Central Commission on Political and Legal Affairs (CCPLA), which exercises tight control over the police, procuratorates and courts. Rather than presuming the innocence of the accused, McConville wrote, "judges and prosecutors join hands with the police to make a case against suspects." The professor cited one senior judicial official as saying that "judges naturally presume that the defendant is guilty" (*South China Morning Post*, May 12; CFR.org [New York], May 9).

From early 2010 onwards, scores of dissidents and activists who have run afoul of the authorities have simply disappeared. Foremost among the victims is human rights lawyer Gao Zhisheng, who was globally recognized for his *pro bono* services for groups ranging from exploited workers to members of underground churches. Gao dropped out of sight in April 2010 after having undergone more than three years of repeated harassment and detention by police and state-security agencies. (BBC News, January 28; *New York Times*, March 28). Moreover, a sizeable number of public intellectuals and NGO organizers have remained under house arrest even after they had formally served out their jail terms. The most famous case is that of "barefoot lawyer" Chen Guangcheng, who was released last September after having been jailed for four years for "disturbing public order." The blind activist garnered international sympathy particularly for his work against the forced abortion of village women (*Chinadigitaltimes.net*, February 10; *Christian Science Monitor*, September 9, 2010). In all these instances, the courts have refused to accept writs filed by the dissidents' lawyers. The situation has worsened considerably after a series of "color revolutions" struck the Middle East and North Africa early this year. Avant-garde artist Ai Weiwei "disappeared" in early April, and since then the police and the courts have refused to even talk to lawyers hired by Ai's family members (HRW.org [New York], April 6; Reuters, June 2).

In a speech at Peking University last month, veteran legal scholar and reformer Jiang Ping expressed worries that "the emphasis on the principle of 'stability overriding everything' could engender the rule of man" instead of rule of law. "I often say that as far as the rule of law goes, there have been ups and downs in recent history," he said. "Very often it's one step backward and two steps forwards." The 81-year-old law professor warned, however, that in recent years, "it's been one step forward and two steps backward." "We have been retrogressing in the

main, and this is a terrible phenomenon” (Caing.com, May 26; Beida Public Law Net, May 28). For cadres such as Chief Justice Wang, a former police officer and CCPLA bureaucrat who has never attended law school, however, legal and judicial niceties pale in comparison to the CCP’s overwhelming imperative to nip all destabilizing agents in the bud.

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Near-Term Missions for China’s Maiden Aircraft Carrier

By Aaron Shraberg

As China’s maiden aircraft carrier nears its sea trials one question that evades analysts’ minds is *why* China is building a carrier. For many of the carrier’s potential missions: from “recovering” Taiwan; to “solving” the Paracel, Spratly and Diaoyu (Senkaku) Islands disputes; to “safeguarding” China’s Sea Lines of Communication (SLOC), a fully operational carrier is considered logistically unattainable, at least in the near term. While several of the above missions may figure into a long-term strategic calculus, the People’s Liberation Army Navy (PLAN) must first undergo an extensive period of trials, testing and training before the ship is mission-ready to the extent that it will be useful for China’s most vexing regional and international flashpoints. Yet, the meaning the Chinese officials, experts, press and even everyday Chinese people assign to an aircraft carrier seems to imply otherwise.

Major General Luo Yuan states: “for China to own a carrier is normal... an aircraft carrier is a symbol of the power of a great nation” (Xilu.com, March 4). The carrier is described by PLA Air Force Colonel Dai Xu as “a silent deterrent (*wusheng weishe*) against hegemonism” and a “totem [*tuteng*]” (Xinhua News Agency, June 2, 2010). Chinese commentators have touted the acquisition and refitting of the carrier as a “turning point” (*zhuanzhe dian*) (News.yard.cc). Citing the United States’ use of an aircraft carrier to face successive post-World War II crises, an article from the official Xinhua News Agency states that an aircraft carrier is the embodiment of a kind of “discourse power” (*huayuquan*) (Xinhua News Agency, July 29, 2010). In describing “discourse power,” the article says, “an aircraft carrier is the barometer of international relations in East Asia. When a carrier’s presence is unknown, Asia has ‘boundless blues skies’; yet when it is known, it becomes ‘rainy.’ But everyone acknowledges that the aircraft carrier is a manifestation of ‘discourse power.’ As in the United States’ experiences in various post-war international crises, American hegemony is inseparably linked to the aircraft carrier” (Xinhua News Agency, July 29, 2010). Another

article in the popular Chinese Communist Party (CCP) weekly Global Times (*Huanqiu Shibao*) is titled “Reality and experience demonstrate that it is hard to be a great nation without an aircraft carrier” (*shishi yu jingyan biao ming mei hangmu nancheng daguo*) (*Huanqiu Shibao*, December 3, 2010). The majority of readers’ comments about articles on the buildup of an aircraft carrier seem to fully endorse the idea. One Global Times reader wrote: “I wish the mother country could have her own carrier soon!” Another reader went so far as to say: “I can endure being poor, but I cannot endure that China does not have an aircraft carrier” [1].

BACKGROUND OF THE MAIDEN CARRIER

The Nationalist (*Kuomintang*) government under Chiang Kai-shek had carriers as part of its navy development plan in the 1940s. In fact, as early as in 1928, a plan for building carriers at the cost of 20 million yuan was suggested to Generalissimo Chiang [2]. Commander of the PLAN from 1982 to 1987 and Chairman of the Central Military Commission from 1989 to 1997, Admiral Liu Huaqing, considered the father of the modern PLAN, advocated the acquisition of aircraft carriers starting in the 1980s as part of his vision of transforming the PLA Navy into a blue-water navy (People.com.cn, January 23). Since that time, the development of a carrier has been stymied by official retirements such as Liu’s in 1997, and a slew of technological challenges including acquiring and developing highly advanced electronic warfare and radar systems. Even getting the carrier from Ukraine to China proved tricky (it was held up near Turkey’s Bosphorus Strait for 15 months). As You Ji and Ian Storey point out, Soviet influence in terms of “operational doctrine, campaign theory, and combat tactics” have also hindered the PLAN’s transition to blue-water capability [3].

However, a new generation of doctrine seeks to increase China’s joint-operations capabilities (Xinhua News Agency, March 31). China’s 2010 *Ocean Development Report* implies that China intended to build a carrier at least since 2003. “[The] *Nationwide Maritime Economic Development Plan*, issued by the State Council in 2003, clearly suggested a strategic goal of creating a powerful maritime nation. China’s maritime industry is standing at a new starting point in history...in 2009 China suggested a tentative plan and a program of building an aircraft carrier” [4]. All the while, various pronouncements have implied a possible carrier. In late 2008, a Chinese Defense Ministry spokesman described aircraft carriers as “a reflection of a nation’s comprehensive power” (*The New York Times*, December 23, 2008). On a two day visit to Beijing in March 2009, Chinese Minister of Defense General Liang Guanglie told Japanese Defense Minister Yasukazu Hamada that China would not remain the only major power without an aircraft carrier (Asia Pacific News, March 23, 2009). Examining the usefulness and challenges involved in different possible missions of the carrier will help to clarify what the carrier will actually be able to accomplish.

AS REGIONAL NAVIES BUILD, JOINT OPERATIONS A CONTINUING CHALLENGE

Some major Chinese news sources say “the carrier is a key link in China’s ability to fight and win a local war under informationized conditions” (*Nanfang Daily*, April 8). The Taiwan Strait, the Paracel and Spratly Islands, as well as the Diaoyutai (Senkaku) Islands disputes present

three possible local flashpoints that may see the use of a carrier.

Broadly speaking, for a Taiwan Strait scenario, Western analysts have pointed out that a carrier “would have little role in a near-term Taiwan scenario ... as land based PLA Air Force (PLAAF) and Naval Aviation aircraft could probably handle all of the required air operations across the narrow Taiwan Strait” [5]. The introduction of modern precision weaponry further obviates the need for an aircraft carrier force in the Taiwan Strait scenario [6]. Yet, other analysts have pointed out that “a carrier force operating east of Taiwan could attack the island’s air defense forces on two fronts if the PLA were able to coordinate carrier-based attacks with shore-based attacks from the mainland” [7]. That may be true. Nevertheless, in order for this to happen, joint-operations capabilities are a prerequisite, which are unattainable in the near term.

For the Paracel Islands (claimed by China, Vietnam and Taiwan) and the Spratly Islands (claimed by China, Vietnam, the Philippines, Malaysia, Taiwan, and Brunei), a carrier “will provide China with sustainable air cover for the long-range power projection needed to seize and hold disputed territory” [8]. Yet, carrying out these missions is largely dependent on air power at sea. Pilots will have to initially undergo a prolonged period of training before they can take off and land with any confidence. Even then, repairs due to the wear and tear on day-to-day carrier operations, the ship and its air-wing, present a whole new set of challenges that will likely take years to iron out.

Naval experts note that in order for China’s carrier to present any formidable challenge, it must integrate a battle-group, which customarily includes at least one frigate, one destroyer, a supply ship, and submarine support. The lack of qualified personnel, the foundation of a fully-functional battle-group, has been acknowledged by the PLAN as a priority that needs to be reformed (See “PLA Navy Expands Recruitment Drive to Enhance Operational Capability,” *China Brief*, May 20). A carrier without a well-trained crew, supporting vessels and the critical coordination that goes with it can be a floating target. China’s *2010 Defense White Paper* acknowledges China’s challenges in the development of joint operation capabilities, calling for an increasing focus on “enhancing integrated support capabilities” (Xinhua News Agency, March 31). As China completes its carrier, an increase in submarine purchases by Vietnam, Malaysia, and Singapore advances China’s regional neighbors’ “sea-denial” capabilities [9]. Moreover, some countries in the region already constructed airstrips, including a 1,200m runway built on Itu Aba, another 1,350m runway built by Malaysia, and another 1,000m runway on a Philippines-occupied reef [10]. These factors all temper the regional force projection power of a carrier.

For the Diaoyu (Senkaku) Islands dispute, a carrier—both defensive and offensive in nature—would be effective as a psychological deterrent, but it risks sailing China into a maritime conflict with a formidable naval force beyond its own, namely Japan and the United States. China has intensified patrols by surveillance ships, submarines, and combat vessels in Japan’s Exclusive Economic Zone (EEZ) in recent years. The presence of a large carrier in the same zones would create a more brute show of force. Any Chinese or U.S. naval expert grounded in reality will say that a near-term conflict involving a Chinese carrier would be unfavorable to any future Chinese force projection scenarios beyond

the first island chain.

POSSIBLE NEAR-TERM USES OF THE MAIDEN CARRIER

As to what role the carrier will play in safeguarding the Malacca Strait and other Chinese SLOCs, the carrier would allow China to better protect its own interests, such as shipments of oil and gas from western Burma (Myanmar) (South China Morning Post Online, June 3). China’s deployment of convoys to the Gulf of Aden/ Horn of Africa as an anti-piracy naval fleet have made the Chinese navy more aware of its limitations in performing naval operations far from China’s shores. For instance, the absence of basing arrangements to support the PLA Navy’s far sea missions will continue to challenge China’s long range missions (South China Morning Post Online, June 3). Yet, these missions may offer a preview of the type of mission a Chinese carrier could effectively carry out in the near term, maybe within the next 10 years. China’s anti-piracy missions, for example “escort operations in the Gulf of Aden and waters off Somalia,” are mentioned in China’s *2010 Defense White Paper* as included in military operations other than war (MOOTW) [11]. MOOTW also includes “organizing naval vessels for drills in distant waters,” “air security for major national events, emergency rescue and disaster relief, international rescue, and emergency airlift” [12]. China’s use of the carrier to support Humanitarian Assistance and Disaster Relief (HA/DR) missions both regionally and outside Asia, also an achievable near-term mission for the carrier, would integrate China’s carrier into the international system in a benign fashion, as China has done with its new hospital ship, Peace Ark (*heping fangzhou*).

In the near term, the PLAN might also utilize the carrier for foreign port visits. Kenneth Allen and Heidi Holz point out that, “PLA military diplomacy is not regarded as a freestanding set of activities with its own intrinsic value, but rather as a vehicle for furthering the Party-State’s strategic national objectives” [13]. Port visits allow China to “show the flag,” impress the people of each port the carrier visits and further military-to-military exchange.

CONCLUSION

The real weight of the carrier program on the balance of power in Asia is several years coming, at the earliest after the carrier completes its initial sea trials and its airmen are trained. During this time, developing joint-operation capabilities and maintenance for the ship and its air-wing will cost China more time and money. Meanwhile, to China’s neighbors, the carrier’s presence is clear and present. A recent rise in “sea denial” strategies by Southeast Asian nations, perhaps in response to China’s attempt at “sea control” as symbolized in the maiden carrier, is evidenced by an increase in submarine purchases by Vietnam, Malaysia and Singapore. Thus, the actual mission-effectiveness of a carrier decreases, especially for China’s most vexing regional flashpoints, as the region responds. Meanwhile, China’s maiden carrier is being outpaced in the face of new U.S. technologies such as jet-powered killer drones (Wired, June 1). Against this dynamic backdrop, a “70-year dream” is now coming true, due in no small part to the CCP, and the Chinese government can continue to stoke up the national pride of its own people. The symbol of the carrier allows them to do that. Yet, the massive investment in time, technology, talent and money means that a lot is riding on the carrier. China watchers and military

experts will continue to monitor the maiden carrier, a dream no longer deferred, to better understand the PLAN's real capabilities, and China's expectations for this and any future carriers.

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China's Strategic Advantage in Nepal

By Vijay Sakhuja

The ongoing political paralysis in Nepal—caused by the small Himalayan nation's inability to draft a Constitution—coupled with the rise of Maoists as a major political force in Nepal's mainstream politics have created the ideal conditions for Beijing to increase its leverage and influence over Nepal. New Delhi is wary of the pace with which Beijing has been able to apply pressure on the Nepalese leadership, make inroads into the political, economic and strategic dynamics of Nepal's development and control the activities of nearly 20,000 Tibetan refugees living in exile in Nepal. This concern precipitated a string of visits by high-level delegations from India to shore up the relationship, and the appointment of a senior diplomat as Ambassador to Nepal (*The Hindu*, January 21; *Reviewnepal.com*, June 7). New Delhi is desperately trying to limit Chinese influence to prevent Nepal from becoming China's backyard. Indeed, greater access to Kathmandu could enhance China's ability to probe the geographical and historical buffer that Nepal has offered India.

GEOPOLITICAL SHIFTS

Nepal is conscious of the growing competition between China and India, and, according to an observation made by Nepalese King Prithvi Narayan Shah made way back in the 18th century, Nepal is a "delicate yam between two boulders" [1]. Kathmandu is experiencing the pulls and pushes of the two Asian giants who are jostling for politico-strategic influence over Nepal. In the past, the Nepalese monarchy had cleverly used the 'China card' (*Ft.com*, December 14, 2005) by leaning toward China, but the current political leadership appears to be drawing advantages from both China and India.

Historically, any newly elected Prime Minister of Nepal makes India his first destination for diplomatic calls after taking office. Yet, in recent years there have been two exceptions. In 2008, Prime Minister Pushpa Kamal Dahal Prachanda, the charismatic Maoist leader with strong pro-China leanings, chose to visit China after assuming office (*Hindustan Times*, December 1, 2009). Then soon after his election in February 2011, Prime Minister Jhala Nath Khanal had stated: "My government will deepen and strengthen the relationship with both [India and China] ... I haven't decided yet" which country to visit first (*Los Angeles Times*, February 20). Instead, Khanal proceeded to Turkey to attend a key meeting of Least Developed Countries (LDCs) (*Nepal24hours.com*, April 30). There is a strong possibility that Prime Minister Khanal may visit China and the Madhesi Janadhikar Forum (MJF)-Nepal has observed that "Khanal will follow Dahal's footsteps," clearly showcasing the priority given to China by the current Nepalese leadership (*Telegraphnepal.com*, June 10).

CHINESE MILITARY ENGAGEMENT IN NEPAL

The Chinese and the Nepalese Army have established a proactive military exchange program including supply of hardware, training, infrastructure development and exchange of high level delegations despite the latter's historical linkages and pro-India leanings. The Chinese initiatives to supply military hardware came in the wake of

India's refusal in 2005 to supply arms to the Nepalese army soon after King Gyanendra seized power and dismissed the government (*Indian Express*, February 22, 2005).

In the recent past, Nepal's Army has received a variety of military hardware from China, including non-lethal equipment such as construction and engineering machinery. In 2005, the Nepalese Army chief during his visit to China secured military aid (*The Kathmandu Post*, March 13). Interestingly, in 2005, Nepal also "voiced for the inclusion of China into SAARC [South Asian Association for Regional Cooperation] irrespective of the fact that India had expressed its reservations" [2]. In 2008, Lieutenant General Ma Xiaotian, the deputy commander of the PLA, announced \$2.6 million in non-lethal military aid to Nepal (*Zenews.com*, December 8, 2008), and in 2009 China pledged military aid worth \$3 million for a hospital and training for the Nepal Army (*Tibetsun.com*, December 16, 2008). During his recent visit to Kathmandu in March, General Chen Bingde, chief of general staff of the PLA, met with President Ram Baran Yadav, Prime Minister Khanal, Nepal's army Chief Chatra Man Singh Gurung (*The Kathmandu Post*, March 13). General Chen Bingde announced an additional military assistance package worth \$20 million and assured that more would be on the way. Although the military aid package is little by Chinese standards, it is both symbolic and significant from India's perspective.

INFRASTRUCTURE DEVELOPMENTS

China possesses significant technological capability to develop high altitude connectivity related infrastructure particularly in the Himalayas. Indeed, it has built rail, road and air networks that link a number of Chinese autonomous regions and provinces such as Tibet, Qinghai, Sichuan, Xinjiang and Yunnan (*Chinatravel.com*, June 24, 2008). These networks have facilitated and supported the economic development of the hinterland. The transportation network has also enhanced the PLA's tactical mobility and strategic deployments in the Himalayas for the movement of troops and logistics, forward deployment of aircraft, establishment of missile sites and building advanced reconnaissance and surveillance facilities. Interestingly, the infrastructure had also helped the PLA to mobilize "troops into Tibet to quell unrest, provide supplies to soldiers deployed there and consolidate its control over Tibet" [3].

In 2008, China and Nepal announced plans to connect the Tibet Autonomous Region (TAR) with Nepal through a 770 kilometers long rail link between Lhasa and the Nepalese border town Khasa, which is about 80 kilometers north of Kathmandu. The project is expected to be completed by 2013. The Chinese ambassador to Nepal Qiu Guohong noted: "The extension of the Qinghai-Tibet railway to the China-Nepal border will have a positive influence on establishing new China-Nepal road links..." (*Nepalitimes.com*, August 11, 2009). It was also noted that a dry port near Tatopani on the Nepali side could be developed as well (*Nepalitimes.com*, April 24, 2009). China is also exploring the possibility of linking six additional highways with Nepal and developing cross-border energy pipelines [4]. In 2008, China set up an advanced optical fiber cable network between Zhangmu and Kathmandu (*Xinhua News Agency*, August 30, 2008).

The Lhasa-Khasa rail network will help Nepal take advantage of the geography and reduce Nepal's dependence on India for its regional and international trade [5]. Nepal faces several bottlenecks in its trade and energy supply chains due to poor connectivity in Nepal and the poor efficiency of Indian ports, which add to delays and higher costs for imported goods and delays in exports.

Yet, the southern expansion of China's rail networks has caused concern in India, particularly in the security circles who argue that Chinese infrastructure projects serve dual purposes, meaning both civilian and military [6]. The Indian government is also aware of the Chinese infrastructure projects in Nepal and has sanctioned railroad connectivity projects in the Terai region along the India-Nepal border, including an 80 kilometer long rail link connecting Birganj in India to Kathmandu. There are at least five more road networks (Nautanwa-Bhairahawa, Nepalgunj Road-Nepalgunj, Joghani-Biratnagar, New Jalpaiguri-Kakarbhitta and Jayanagar- Bardibas) for which technical study has been concluded (*Telegraphindia.com*, April 20, 2008).

TIBETAN REFUGEES IN NEPAL

Nepal and the Tibet Autonomous Region (TAR) share a common border of over 1,400 kilometers and there are 34 major mountain passes along this border that provide connectivity through treacherous terrain for trade and the movement of people. Tibetan refugees transit through Nepal to visit Dharamshala in India to pay homage to their spiritual leader, the Dalai Lama. In the past, the Nepalese police and government officials had worked closely with the UNHCR and agreed to abide by a 'Gentlemen's Agreement,' "an informal compact established in 1989 with the UNHCR thus ensuring a safe transit for Tibetan refugees through Nepal and onward to India" [7]. This arrangement had worked well before the Nepalese Maoist and Communist parties gained political ascendancy in 2008. Since then, there has been a sharp decline in the number of Tibetan refugees registering at reception centers in Kathmandu.

A former Nepalese ambassador to China has noted that, "China's concerns over Nepal are growing" and that "the visit [of General Chen Bingde, chief of general staff of the PLA] shows that China wants the support of our army to control anti-Chinese activities following the resignation of the Dalai Lama" (*Thetibetpost.com*, March 28). It is also reported that China may be secretly giving financial incentives and paying Nepalese officials to arrest and deport Tibetans in Nepal (*Indian Express*, December 20, 2010). On March 10, the Nepalese police arrested 34 protesters after thousands of Tibetan refugees marched through the streets of Kathmandu to commemorate the Chinese invasion of Tibet of 1951 (*Asia-news.us*, March 18). The next day, Nepalese police prevented a prayer meeting at the Buddhist temple in Kathmandu, and two days later on February 13, the police stormed into polling stations and seized ballots and other electoral material for Tibetan community internal elections to vote for a new Tibetan Government in Exile (*Thetibetpost.com*, March 28). The Nepalese government has been under great pressure to control Tibetan refugees in Nepal, and the chief district officer of Sindhupalchowk was quoted as saying "They [the Chinese] urged us not to allow anti-Chinese activities [on] our soil" (*TIME*, March 29). It is quite evident that China has been able to prevail upon the Nepalese government to

ensure that anti-China activities by the Tibetan refugees are sternly dealt with.

PROJECTING SOFT POWER

Nepal—once referred to as the only Hindu Kingdom—has strong social, cultural and religious ties with India. In fact, Indian influence is so predominant that an Indian priest performs the daily prayers at the Pasupatinath temple in Kathmandu (Mainstreamweekly.net, July 24, 2010). Besides, a large number of Nepalese have their kith and kin in India, and thousands of Nepalese serve in the Indian Army in the Gurkha Battalions. China is conscious of the deep rooted Indian cultural influence and has attempted to dilute it by setting up a number of China Study Centres (CSC) to promote culture and language exchanges among the Nepalese people. Apparently, “33 CSCs have been established in southern Nepal adjoining the Indian border” [8]. Likewise, in 2007, China set up the Confucius Institute at Kathmandu University, where nearly 1,000 Nepalese students are learning the Chinese language. (Peopledaily.com.cn, June 14)

On another level, China and Nepal’s tourism ministries are working closely to enhance tourism in Nepal by waiving visa fees for Chinese tourists. Furthermore, the Chinese Yuan has been made convertible for tourists and businessmen [9]. In June 2010, China Radio International (CRI) established a branch in Kathmandu and started a Nepali Service to teach the Chinese language (Xinhua News Agency, June 30, 2010).

These developments are viewed in India as attempts by China to offset Indian influence (*The Telegraph* [Kolkata], January 28). There are concerns that China will use the CSCs as ‘spy centers’ to monitor Indian activities in Nepal (Telegraphnepal.com, October 16, 2009). In January 2011, Sashastra Seema Bal (SSB), a paramilitary force deployed along Indian northern borders, arrested three Chinese nationals who had entered Indian territory illegally. During interrogation the Chinese nationals stated that they were engineers working in Nepal, and according to a SSB official, “prima facie it seemed that they had come here as spies” (*Times of India*, January 18).

STRATEGIC ADVANTAGE: CHINA

China is courting Nepal and has used both hard and soft power to extract a number of strategic advantages. First, Beijing has obtained assurances from the Nepalese leadership that the territory would not be used by the Tibetan refugees living in Nepal for anti-China activities. This issue is particularly significant when there is a ‘Free Tibet’ movement spreading across the globe and China has been under international scrutiny over human rights issues, particularly against the Tibetans. Second, China has attempted to erode the traditional Indian influence in Nepal through infrastructure development projects, bringing economic dividends to the Nepalese living in the heartland. This has helped China accrue immense strategic and economic advantages, and provided opportunities to bring Nepal into its fold. Third, Chinese-built infrastructure projects in Nepal are additional pressure points against India and add to Indian anxieties. It will now be possible for the PLA to rapidly deploy its forces in the event of a conflict with India. Finally, China has been able to wean Nepal away from Indian influence despite its historical, social, cultural and religious ties.

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NOTES:

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[The views expressed in the above article are the author’s own and do not reflect the policy or position of the Indian Council of World Affairs.]

Energy Security in China’s 12th Five-Year Plan

By Wenran Jiang and Liu Zining

While the developed world, including the United States and other Western European countries, has been sluggish in both economic recovery and energy demand, China has experienced major power shortages in recent months, seriously threatening the efforts to sustain the still fragile recover process. The world’s second largest economy went through a sharp V-shape recovery from the 2008 – 2009 global economic crises, and its demand for energy and all major resources have gone up substantially in the past two years. Yet, the challenges of energy supply have forced the Chinese leadership to think seriously about the country’s long-term energy and resource security in the Twelfth Five-Year Economic and Social Development Program for 2011 – 2015 (12th five-year plan). The key elements of China energy

development strategy in the new five-year plan, passed in March by the National People's Congress (NPC), have some ambitious goals for the coming years and decades.

MIXED RECORD IN THE PAST FIVE YEARS

If the history of China's quest for energy security, supply and efficiency during the 11th five-year plan (2006 – 2010) is any indication of what is to come in the next five years, the record will be a mixed one at best. China managed to reach the significant goal of reducing its energy intensity per GDP output by 20 percent. It also eliminated over 100 million tons of iron and steel production, 140 million tons of cement production and 60 million kilowatts of small firepower plants, all of which were inefficient and heavily polluting (Outlook [*Liaowang*] Magazine, May 4, 2010).

Yet, the Chinese economy grew over nine percent annually in the same period, with accelerated urbanization. This led to a 39 percent increase in total energy consumption, with some local polluting industries making a comeback. Although China's overall carbon emission per unit GDP decreased by 52 percent from 1990-2008, the country's total emission of CO₂ grew by 2.8 times as a result of a 5.8 times jump in the GDP in this period (Outlook [*Liaowang*] Magazine, May 4, 2010). In fact, the percentage of coal usage in China's energy mix went up by two percentage points during the 11th five-year plan, from 68 percent to 70 percent [1].

The year 2010 witnessed a number of important milestones for China's energy development: China overtook Japan as the second largest economy in the world; the IMF predicted that the Chinese economy will surpass that of the United States by 2016 measured by Purchasing Power Parity (PPP) standards; China became the largest overall energy consumer in the world; and the central kingdom's installation capacities in both wind turbines and solar panels moved ahead of the United States to the number one position globally (although grid connection is still lagging behind) [2].

KEY DRIVERS OF A NEW ENERGY DEVELOPMENT PLAN

What worries the Chinese leadership is whether such large-scale requirements of energy can be met in the long run, which is vital to the future sustainability of the Chinese economy. In the very first meeting of the newly established, high profile National Energy Commission in April 2010, Premier Wen Jiabao laid out the guideline for what was termed as the "energy strategy of the new era." Wen's 16-Chinese-word doctrine called for priority given to energy conservation, making domestic energy exploration the foundation while pursuing multiple sources of energy development, and paying attention to protection of the environment (China5e.com, April 23, 2010).

While still at the final drafting stage, the new 12th five-year energy program includes the acceleration of the transformation of energy development patterns, the promotion of energy production in key sectors and the efficiency of energy utilization. The new plan will further adjust China's energy structure, control the total volume of energy consumption, and aim at constructing a safe, stable, economical, clean and modern energy industrial system.

MAJOR INITIATIVES

The new plan has the following major initiatives:

First, the energy industry will go through a change of development paradigms. Instead of mainly depending on upstream extractions, the energy sector will be required to focus on technological innovations. Rather than single-mindedly seeking supply, China will emphasize macro-level adjustments of both supply and demand. While the previous practice was "exploration first, cleanup second," the new approach stresses the coordination between energy extraction and environment protection. Reorganizing the energy structure will be the main objective for China's energy development in the next five years. Moreover, market mechanisms will be introduced to strengthen government policy promotions (Xinhua News Agency, March 9).

Second, domestic energy exploration and development will be re-oriented by consolidating on "five regions plus one belt," namely Shanxi province, Ordos basin, Southwest, Eastern Inner Mongolia and Xinjiang, plus the nuclear power plant belt—dozens of nuclear power plants under construction, located throughout the central and eastern parts of the country. During the 12th five-year plan, the "five regions plus one belt" is positioned to supply 80 percent of China's total energy and implement 90 percent of China new energy production (Chinapower.com.cn, May 24). As coal, oil and other fossil fuels will remain core energy sources in the next five years, electric power with optimized structure will be the main power supply system. Four large-scale coal-powered electricity bases will be built in an orderly fashion on the principle of controlling the development of the coal in the east region, stabilizing the middle part of the country and developing the western region. The goal is to consolidate 90 percent of the country's total coal consumption in the next five years (China Energy News, January 10).

Third, energy transportation infrastructure will continue to be expanded. Most of the energy resources in China are located in the west while the major energy consumption areas are in the east. Therefore, during the 12th five-year plan, China will not only build passageways for the transportation of the coal from the North to the South, but also will speed up the building of oil and gas pipelines nationwide. The Strategic Petroleum Reserve, with its first phase completed and second phase under construction, will also be further built into the third phase (21cbh.com, March 24).

Fourth, China will additionally adjust its energy mix by developing all sources of non-fossil fuel energy. A major target for the new plan is that non-fossil fuel energy will reach 11.6 percent in 2015, and 15 percent of the total energy consumption in 2020 (currently at about eight percent). In the next five years, hydro-electricity will contribute half of this non-fossil fuel energy. Nuclear power plants will be initially built along the coastal region and then be steadily advanced inland. Solar energy is expected to be the cornerstone industry of the newly developed energy industry. By the end of 2015, solar energy usage area will reach four billion square kilometers. As for wind power bases, the government will devote major efforts to develop wind power in Inner Mongolia, Gansu, Xinjiang, Hebei, Jiangsu and the Northwestern provinces, while speeding up the exploration and development of wind

power plants out at the sea (Caijing, October 22, 2010) [3].

NEW CHALLENGES IN THE NEW PROGRAM

It is quite fashionable to talk about energy conservation, a low carbon economy, a low carbon society and low carbon technology in China today. The much-publicized Shanghai Expo promoted the theme of “better city, better life,” with the popular Chinese Pavilion featuring many impressive energy conservation and green life style exhibitions. This is in part due to the realization that China’s traditional development paradigm based on high capital input, cheap labor, resource and energy intensive manufacturing, and damage to the environment can no longer be sustained. With continued urbanization and rising consumption levels, it is also clear that the world cannot supply enough energy to China if its 1.3 billion people use the same levels of energy on a per capita basis as the people in the West.

Yet, China continues to move forward along the path of traditional industrialization. There will be tension between the pursuit of further industrialization and energy conservation efforts. There will be conflict between limiting the emission of more CO₂ and the need to maintain a high GDP growth rate. In addition, China’s future overseas investment in energy and resources will be scrutinized more and more as China is perceived and portrayed as an extractive giant that sucks in all the available resources. Finally, as the Chinese military grows stronger and begins to pursue a global presence in protecting its vital interests, China may come into confrontation with the U.S.-dominated world order. How to manage China’s energy security while trying to rise peacefully remains a formidable task for the next generation of Chinese leadership.

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