

Apolitical of the AIIB From the Perspective of International Law

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Professional international organizations should fulfill their professional responsibilities in accordance with the powers granted by their members, avoid getting involved in political issues, and try their best to eliminate political interference. Interference in national economic sovereignty, lack of democracy in decision-making, and participation in resolving political disputes are typical manifestations of the “politicization” of international financial organizations. Issues such as anti-corruption, environmental protection, and social security do not fall into the category of “politicization”. If the AIIB plans to keep away from “politicization”, it must comply with international law, improve its own rules, constrain the exercise of power, and prioritize the interests of the international community.

Keywords: AIIB, apolitical, international rule of law

Introduction

Contemporary professional international organizations have been more or less eroded by “politicization”, making it difficult to effectively perform their legal responsibilities and deviating from the track of international rule of law. The Asian Infrastructure Investment Bank (hereinafter referred to as the AIIB) emphasized at its inception that it is a “depoliticized” lean, clean and green organization. In a sense, whether the AIIB can maintain its professionalism and eliminate political interference determines its international credibility and vitality. Based on this, this article aims to understand and grasp the reasonable limits of “depoliticization” by examining the types of “politicization” erosion of professional international organizations, and make a preliminary exploration for the implementation of this requirement by the AIIB.

“Apolitical” Is One of the Value Orientations of the AIIB

The “politicization” of a professional international organization refers to the interference of “political” factors beyond the purpose and functional scope stipulated in its charter when the organization engages in professional or other “non-political” affairs or makes relevant decisions, resulting in damage to the normal operation of the organization, dysfunction, and inability to achieve its own mission. “Politicization” is both a process and a result. It has two forms of expression: Firstly, relevant organizations shift resources and attention to political affairs beyond their capabilities and scope. This is called active politicization. For example, the main functions of the International Labor Organization (ILO) are to promote social justice and strive to improve workers’ working conditions, especially in areas such as freedom of association, organizational rights, collective bargaining, and the

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abolition of forced labor. However, in the 1970s and 1980s, the organization was too actively involved in solving other international political and economic issues, including a wide range of human rights and immunity issues, which led to its deviation from its scope of duties. Secondly, the decisions made by the relevant organization incorporate political considerations and are inconsistent or unrelated to the original stated objectives. It is usually pointed to a specific member or group of members, resulting in the deprivation of some or all of the benefits that a member should receive within the organization or participate in a certain mechanism. This is known as negative politicization (Brown, n.d.). For example, in the past, the United States used its voting power advantage to interfere in the operation of the World Bank, or some international financial institutions attached additional political conditions when assisting countries with imbalances in the international balance of payments.

The “politicization” of professional international organizations has brought the following negative effects: on the one hand, it erodes the ability of relevant organizations to fulfill their responsibilities, and even deconstructed the organization. “Politicization” not only forces relevant organizations to waste resources and energy on sensitive political issues that are irrelevant to them, hindering the ability to perform their duties normally, but also potentially undermines the cooperation mechanism within the organization, exacerbating confrontation and North-South conflicts. The functions and missions of professional international organizations are the result of careful consultation among the members. When some members try to bring political issues into the organization or distort the organization’s governance capabilities with their own national strength, it will inevitably cause dissatisfaction or imitation among other members, and the professionalism of the organization cannot be reflected (Yu, 2008). In recent decades, organizations such as the International Monetary Fund (IMF), the World Bank, and the specialized agencies of the United Nations have been eroded by “politicization” to varying degrees, resulting in the inability to achieve the goals stipulated in the charter fairly and impartially, leading to governance crises and trust crises. This is one of the reasons why the United States temporarily withdrew from the ILO in 1977 and 1980, and from the UNESCO in 1984. On the other hand, it infringes upon the rights of member States or other countries. An important incentive for the “politicization” of professional international organizations is the self-interest of major powers. Some powerful countries often rely on the authority and legitimacy of professional international organizations to deviate from their obligations as members, infringe on the interests of weak countries, and seek political self-interest of major powers. The negative damage caused by such infringement may be substantial, such as serious economic losses or financial disorders; or it may only have legal significance, such as the suppression of a certain type of claim in a weak country.

Therefore, professional international organizations must be subject to “professional principles”. According to the International Court of Justice (ICJ), international organizations did not, like States, possess a general competence, but were governed by the “principle of speciality”, that is to say, they were invested by the States which created them with powers, the limits of which were a function of the common interests whose promotion those States entrusted to them¹ (ICJ, n.d.). “apolitical” is a fundamental requirement to ensure the sustainable development of such organizations and must also be one of the goals pursued by many professional organizations. Article 4, Section 10 of the International Bank for Reconstruction and Development Agreement stipulates:

¹ In 1993, the World Health Organization consulted the International Court of Justice on the legality of a country’s use of nuclear weapons in armed conflict, as stated in 1996 when the International Court of Justice refused to issue an advisory opinion.

The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in Article I.

From past practice, the World Trade Organization (WTO) and its predecessor, the General Agreement on Tariffs and Trade (GATT), have mainly focused on expanding trade freedom and achieving sustainable development, maintaining good neutrality (Reich, 2005, p. 2). Article 31, Paragraph 2 of the AIIB Agreement stipulates that:

the Bank, its President, officers and staff shall not interfere in the political affairs of any member, nor shall they be influenced in their decisions by the political character of the member concerned. Only economic considerations shall be relevant to their decisions. Such considerations shall be weighed impartially in order to achieve and carry out the purpose and functions of the Bank.

AIIB President Jin Liqun also repeatedly emphasized that the AIIB will not intervene in any disputes region and will remain sensitive to the needs and requirements of different countries. “The AIIB is a depoliticized (apolitical) institution”.

The Governance Limits of the AIIB Under the Requirement of “Apolitical”

It is a beautiful vision of international financial organizations to develop financial services in the direction of technology and specialization. However, the business decisions of the AIIB cannot be completely immune from political interference. Some behaviors within or associated with professionalism are inconsistent with national sovereignty. Frictions and conflicts are inevitable, and the nature of relevant behaviors is difficult to confirm. Therefore, “apolitical” must first clarify the limits of the AIIB’s governance behavior.

Prohibited Behavior

First, it is interference with national economic sovereignty. Joining an international economic organization means that the country actively transfers part of its economic sovereignty to the organization, such as accepting the organization’s economic supervision power within a certain range, making corresponding adjustments to national economic and financial policies and regulations, accepting international arbitration, or even resolving disputes through international judicial channels, etc. However, international economic organizations often expand their functions and interfere with the economic sovereignty of member countries under the will of major powers. The forms include but are not limited to: (1) expanding the power of economic supervision. Based on the need to provide financing and loans, it is reasonable for international multilateral financial institutions to obtain economic, financial, and fiscal data from member countries and regularly evaluate them. However, lenders affected by “politicization” are prone to unreasonably expand their supervisory powers in the economic field, covering the entire macro and micro economic variables of the recipient country, and even touching the field of national security. (2) Loans come with stringent conditions. For example, during the Asian Financial Crisis at the end of the last century, the IMF imposed conditions to South Korean loans such as reducing government spending, giving the central bank independent powers, opening up financial markets, cutting policy loans, and reducing import restrictions. Recently, the IMF’s loan conditions have shown a tendency to shift from principled regulations to specific measures, such as reform the borrowing country’s legislative, judicial, administrative systems, and even improve the human rights as an adjustment measure in the loan conditions (Xu, 1999, pp. 115-117). The above actions are accompanied by the strong motivation of some powerful countries to promote their

national security strategies and spread Western values, eroding the economic sovereignty of recipient countries, weakening the independence of macroeconomic policies of relevant countries and the ability of governments to control their own economies (Liu & Qi, 2006, p. 38).

Second, governance decision-making appears to be undemocratic. The democratization of international relations is difficult to achieve within economic international organizations. From a theoretical perspective, some scholars believe that democratization of international relations is not the only value orientation of economic international organizations. The classic principle of sovereign equality gives major powers the right to refuse to assume more economic obligations in the international community. Therefore, the principle of equality must be appropriately balanced with other values, and in specific organizational contexts, the value of efficiency may be more important (Cai, 2012). The above theory provides support for the apparent lack of democracy in governance decision-making in international economic organizations, and also leads to the use of a combination of basic votes and weighted votes in the voting system of such organizations, in order to leverage the functional advantages of major powers in international relations. However, the ratio of basic votes to weighted votes and the share allocation formula used by these organizations are often criticized by developing countries. Their governance behavior and related decisions are mostly manipulated by a few powerful countries, and have become tools for financial powers to impose political bias towards developing countries and promote economic and financial colonialism, resulting in substantial inequality in formal equality rules. The governance decisions of the two largest lending organizations in the world, the IMF and the World Bank, have been criticized for their governance decisions. Even with the same policy, different countries are treated differently (Lia, 2010, pp. 196-197). After the IMF quota and governance reforms, the United States still maintains more than 15% of its veto power on major decisions. The World Bank is also unable to escape the interference of politicized factors, Former Chinese Finance Minister Xiang Huaicheng publicly pointed out in 2000 that the Bank's decisions have been subject to long-term interference from financial powers, which seriously harms the interests of developing countries, especially small and weak countries (People's Daily Online, 2000). It can be seen that as long as the hegemonism of powerful countries and the asymmetry of power relations between countries still exist, weak countries are often excluded from decision-making mechanisms.

Third, it is participation in resolving political disputes. Political disputes are mostly resolved through diplomatic channels between countries, international judicial channels, or political international organizations including the United Nations. International economic organizations can indeed provide communication and exchange channels for problems or conflicts between countries in certain fields, and can also facilitate cooperation and alleviate conflicts among countries through professional work, and even help countries form the habit of resolving conflicts through "dialogue and cooperation". However, they are not the main body of resolving political disputes, and bringing political issues into such organizations is inappropriate. The charter of an economic international organization may contain dispute settlement methods, but it resolves economic disputes stipulated in the organization's charter, or disputes or differences related to the application and interpretation of the charter (Yu, 1998, p. 71), for example, the International Investment Dispute Resolution Center (ICSID) focuses on resolving investment disputes between foreign private investors and host governments; the WTO's dispute settlement mechanism focuses on resolving trade disputes between its members.

GATT has set an example in terms of shielding political disputes: When Egypt applied to join GATT in 1962, Israel requested to enter the relevant review working group but was opposed by Egypt. Israel resisted political pressure and insisted on participating in the working group, demanding that Egypt resolve its trade sanctions and economic boycotts before joining the GATT. Address trade sanctions and economic boycotts against it. Egypt believes that such political conflicts for non-commercial purposes are outside the scope of GATT discussions. In the end, the working group shelved political disputes and voted to approve Egypt's application for membership. For another example, in 1982, the European Community imposed trade sanctions on Argentina due to the Anglo-Argentine war over the Malvina Islands. Argentina believed that the sanctions violated the most-favored-nation clause of GATT and submitted the issue to the GATT Council. The European Community and other countries claimed that the sanctions were based on the "security exception" clause of GATT. Council members considered the dispute to be a political issue and ultimately adopted an evasive attitude. In recent years, efforts to obtain substantial support for trade sanctions imposed for non-economic reasons in GATT or WTO have all ended in failure (Reich, 2005).

Reasonable Behavior

Firstly, it is anti-corruption. Corruption is an important obstacle that hinders the economic development and social progress of various countries, and has recently received full attention from the international community and been given priority consideration for resolution. Corruption in international aid includes interference with internal staff recruitment or management, obstruction of internal independent investigations, profiteering from inside information, manipulation, or extortion of customers and suppliers, and procurement fraud. The United Nations Convention against Corruption includes "official of a public international organization" within the scope of adjustment and "to promote integrity, accountability and proper management of public affairs and public property"². Since the 1990s, international organizations including the United Nations, IMF, World Bank, and OECD have actively carried out various forms of anti-corruption actions: the World Bank has issued a series of documents such as the "Credit Procurement Guidelines" and "Helping Countries Fight Corruption", added specialized teams to supervise the procurement process, and established an anti-fraud and anti-corruption supervision committee to handle daily anti-corruption affairs; The World Bank focuses on the transparency of financing projects, and in response to corruption cases in financing projects, it will cancel aid and initiate civil litigation to recover loans that have been disbursed. The IMF is mainly committed to solving corruption that affects "good governance related to macroeconomic policy supervision". In recent years, it has expanded the scope of anti-corruption in order to "ensure the rule of law, improve the efficiency and accountability of the public sector, and tackle corruption" (Posadas, 2000, pp. 399-401). The WTO has not set out a separate agenda on anti-corruption issues, but it has established a working group to study transparency issues in government procurement practices and use the study to supplement and improve the Government Procurement Agreement, although the scope and content of the agreement are still limited. The Asian Development Bank (ADB) has built a relatively complete anti-corruption system: it formulated the "ADB Anti-Corruption Policy" to clarify its anti-corruption stance and basic goals, took measures to help members carry out internal reforms in relevant fields

² Article 2(3) of the United Nations Convention against Corruption stipulates that "officials of public international organizations" refer to international civil servants or any person authorized by such an organization to act on behalf of that organization.

and provided dialogue and technical assistance, and set the highest ethical standards for internal staff and regulations. To sum up, major international organizations have regarded anti-corruption as one of their governance goals and have made outstanding efforts to eliminate all kinds of internal and external corruption. The AIIB is no exception. Article 13 of the AIIB Agreement titled “Operating Principles” stipulates that:

the Bank shall take the necessary measures to ensure that the proceeds of any financing provided, guaranteed or participated in by the Bank are used only for the financing was granted and with due attention to considerations of economy and efficiency;

Paragraph 4 of Article 26 stipulates, “supervise the management and the operation of the Bank on a regular basis, and establish an oversight mechanism for that purpose, in line with principles of transparency, openness, independence and accountability”. The AIIB claims that it will also carry out anti-corruption efforts with higher standards and requirements.

Secondly, it is environmental and social security. Environmental issues have no boundaries. As early as 1972, the Stockholm Conference had shifted environmental protection issues to the international stage. Subsequently, the international community successively concluded multilateral environmental treaties such as the Montreal Protocol, the United Nations Framework Convention on Climate Change, and the Convention on Biological Diversity, gradually forming the international Environmental law system. Protecting the environment and promoting sustainable social development are one of the fundamental values pursued by various international organizations. The Marrakech Agreement Establishing the WTO emphasizes in its purpose:

... while allowing for the optimal use of the world’s resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development.

The OECD transfers the tax burden in the tax system to behaviors and products that pollute the environment, in order to achieve the purpose of protecting the environment. Considering that international environmental and social security cannot transcend the idea of national sovereignty, when international financial institutions such as the World Bank, Asian Development Bank, and European Bank for Reconstruction and Development implement the principles of sustainable development, they establish a set of technical standards and safeguard measures, including strict environmental assessment and project tracking and observation systems, to ensure that financing projects are environmentally and socially sustainable; at the same time, they also fully respect the environmental protection and social security systems of various countries, especially when the standards of such systems and the country’s relevant records are “acceptable” (Lim & Mako, 2015, p. 23). However, if during the environmental assessment process, it is found that the project activities violate the responsibilities of the host country, the relevant organizations will not invest. That is, one of the necessary conditions for approved financing projects is that they do not violate the multilateral environmental treaties to which the borrowing country is a party (Jin, 2008, p. 138).

Infrastructure inevitably involves issues such as environmental protection and labor rights. Approximately 30% of the loans will be invested in the oil and coal-fired power sectors to provide electricity for related construction needs, which may seriously affect the Asian environment; Another 30% of the funds will be allocated to land intensive projects such as highways, railways, seaports, and airports, triggering Relocation and resettlement

issues. Therefore, Article 13(4) of the AIIB Agreement stipulates that “the Bank shall ensure that each of its operations complies with the Bank’s operational and financial policies, including without limitation, policies addressing environmental and social impacts”; The “Corporate Procurement Policy” document also states:

the Bank shall procure, whenever possible, environmentally preferred and energy-efficient goods, works, general services and consulting services. The Bank shall only engage consultants, contractors and suppliers that adhere to environmental, labor and social standards that are equivalent to relevant provisions of the Bank’s Environmental and Social Policy and applicable law.

The AIIB has also developed a dedicated “Environmental and Social Framework” to regulate environmental and social security issues involved in project financing.

International Rule of Law Is the Fundamental Guarantee for the “Apolitical” of the AIIB

The essence of depoliticization is to shift from power oriented to rule oriented, and the correct path is to follow the international rule of law. The more rational and mature the international society is, the stronger the demand for the rule of law; the law cannot simply appear as a servant of politics, or simply make the expression of political intentions more grandiose (He, 2009, p. 74). If the AIIB wants to eliminate the interference of “politicization”, it must comply with the requirements of international rule of law and do the following well³ (Che, 2002, p. 139; He, 2009, p. 80):

Comply With International Laws and Regulations

The high degree of politicization and realism in international relations in the past is gradually converging due to the legalization process of the international community. International law inherently contains the characteristics of safeguarding and promoting common national interests, stabilizing the international social order, and embodying the universal values of the international community. It can help weak countries gain recognition of their identity from the international community, and restrain the proliferation of hegemonism and jungle rules in the international community. In the era “international law of coexistence” moving towards “international law of cooperation” and even “international law of mutual advancement”, it is difficult for countries or international organizations to gain a foothold in self-interested behaviors that violate international legal obligations.

Complying with international law means adhering to the principle of “the supremacy of law”, and abiding political conventions represented by the Charter of the United Nations, the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption, following international economic law represented by the International Monetary Fund Agreement

³ Regarding the concept of international rule of law, domestic and foreign scholars have many interpretations. The representative views of China include: Che Pizhao believes that the inherent requirements of international rule of law can be expressed as: the basic aspects of international society’s life are governed by fair international law; International law is superior to the will of individual countries; All countries are equal before international law; The rights, freedoms, and interests of all countries cannot be deprived without legal procedures. See Che Pizhao, *Globalization of Law and International Rule of Law*, Tsinghua Forum of Rule of Law, No. 1, 2002, p. 139. He Zhipeng believes that the international rule of law refers to a legal system in which all actors in the international community jointly uphold and abide by humanism, harmonious coexistence, and sustainable development, and use it as a starting point and criterion to constrain their actions, establish relationships with each other, define their rights and obligations, and handle relevant affairs at the level of crossing countries. See He Zhipeng, *International Rule of Law: Definition of a Concept*, Tribune of Political Science and Law, No. 4, 2009, p. 80.

and the WTO package of trade laws and regulations, abiding international environmental law represented by the “Convention on the Prevention of Pollution of the Sea by Dumping of Wastes and Other Substances” and the “Kyoto Protocol”, abiding various international practices represented by the INCOTERMS, as well as other international customs and other international laws. The AIIB should exercise its powers and fulfill its legal obligations in accordance with international law; all members should take appropriate measures to ensure the fulfillment of their obligations; they must not selectively abide by international laws that are beneficial to the organization or their own countries and while avoiding international law that is detrimental to them.

To comply with international law, the AIIB should also comply with a series of legal documents represented by the AIIB Agreement. As a multilateral international organization, the resolutions related to legal issues made by all members of the AIIB express the common will and universal beliefs of the members. They not only have important political influence, but also have certain legal effects. The legal norms between various departments within the management of the AIIB, between organizations and employees, between organizations and members and other international law subjects also constitute the content of the legal order of international organizations and are an increasingly important component of the modern international legal system (He, 2008, p. 97). The organizational structure, decision-making process, and international practice carried out by the AIIB are also one of the reflections of international rule of law. They have the function of clarifying, confirming, or declaring the principles and customs of international law, and to a certain extent directly affect the way international law is formed.

Improve the AIIB's Rules

The AIIB has only been established for a limited time and the relevant rules and regulations are not yet sound, which may leave loopholes for political factors to intervene. Currently, in addition to the AIIB Agreement, the basic documents that the organization has formulated include AIIB by-laws, Rules of Procedure of Governors, Rules of Procedure of Directors, Code of Conduct for Board Officials, Code of Conduct for Bank Personnel, Staff Regulations and Staff rules; Operations Policies include Environmental and Social Framework, Operations Policy on Financing, General Conditions for Sovereign-backed Loans and Procurement Policy for projects; institutional documents include Corporate Procurement Policy, Interim Policy on Disclosure of Information and Business Plan Summary, etc.

Combined with the functional needs of the AIIB and compared with the practices of other international financial institutions such as the World Bank and the ADB, the organization currently needs to improve relevant rules in the following areas: First, environmental and social security policies. This document is used to reduce or eliminate the negative impact of financing projects on the environment and related people. The specific content should at least include environmental inspection and assessment, hearing system, aboriginal arrangements, and relocation plan. Second, the independent evaluation system of the AIIB. The Operations Policy on Financing stipulates specific evaluation measures that should be taken for project financing (AIIB, 2016, p. 6), but the regulations are relatively simple and too principled, and the independent evaluation system goes far beyond project financing. It should also include regular independent and systematic evaluations of the effectiveness and efficiency of the policies, strategies, operations, and institutional operations of the AIIB's specific evaluation principles, methods, and subjects (combining self-evaluation and third-party evaluation). Third, anti-fraud and anti-corruption policies. Specific details may include the establishment of anti-corruption committees, integrity

due diligence, reporting hotlines and witness protection, procurement-related reviews and sanctions, etc. Fourth, improve the information disclosure system and enhance transparency. In particular, the content of the official website should be updated and enriched in a timely manner, referring to the research results, work papers, information briefings, letters of intent, and documents on the implementation of fund funded projects in relevant countries published by the IMF and the World Bank on their official websites.

Restrict the Exercise of Power

The constraints on the power of the AIIB have three meanings: Firstly, to prevent the unreasonable expansion of the AIIB's powers. International organizations are dynamic structures, and as various situations change, the express powers stipulated in their founding charter may not be able to effectively realize or fully realize the purposes and functions of the organization. Therefore, international organizations often rely on the principle of effectiveness to expand their power in the field of "internal law" and develop in ways that legislators cannot foresee. In fact, member states usually explicitly agree or acquiesce in the expansion of power in related fields (Rao, 1993, pp. 102-103). The AIIB can have powers that are not expressly stipulated in the AIIB Agreement but can be deduced and confirmed to be crucial to the performance of its responsibilities. However, such expansion should be done in a manner that does not directly endanger the sovereignty of the members and does not involve them in the politics between countries, limited to the whirlpool of struggle. The AIIB should avoid business dealings or contacts with political international organizations in military, security, and diplomatic fields, and strive to shield political issues beyond the organization's jurisdiction.

Secondly, to curb members from abusing their power. All powers of the AIIB belong to the Board of Directors who are appointed by each member, which means that the ultimate exercise of the AIIB's power depends on the voting of each member.⁴ At present, China's equity share in the AIIB is "dominant", but it cannot imitate the manipulation of multilateral financial institutions such as the IMF and World Bank by developed Western countries. Instead, it should take the lead in complying with international law and making decisions on major issues in a democratic, open, and transparent manner. Considering the substantial inequality of voting rights caused by equity differences among members, more attention should be paid to implementing the principle of fairness within the AIIB, distinguishing between developed and developing countries on an equal basis to ensure political reality and reflect social fairness and ecological rationality (He & Sun, 2005, p. 20).

Third, to prevent management from acting beyond its authority. The business of the AIIB is ultimately managed by directors and management with strong professional capabilities in economic and financial affairs. Their business attitudes, interest tendencies, and professional ethics are essential for the AIIB to eliminate political interference and achieve "lean, clean, and green goals". Therefore, senior officials should be selected in an open, transparent, and merit-based manner on the basis of balanced consideration of national backgrounds, and corresponding internal audit mechanisms should be established to prevent ultra vires and corruption.

Safeguard the Interests of the International Community

The interests of the international community can be divided into two categories: common interests among countries and common interests of mankind. The organizational interests safeguarded by professional

⁴ The AIIB's decision-making governance can refer to the WTO's "consensus" principle, but currently "consensus" is not reflected in official documents such as the AIIB Agreement and Rules of Procedure.

international organizations first include the common interests among countries (members), as well as the common interests of mankind. The AIIB focuses on promoting the development of infrastructure and other industrial construction in Asia through investment and financing. It can not only promote regional connectivity, enable member countries to fully utilize international and domestic markets to optimize resource allocation and expand development space, promote economic growth in the entire region, and even globally, and achieve win-win cooperation among member countries; It can also establish new benchmarks in governance structure, environmental and social security, debt sustainability, and financial and technical assistance to the least developed countries, which is of great significance for stimulating changes in the international financial system and establishing a new political and economic order.

The root cause of “politicization” lies in the concept of supremacy of national interests. To achieve effective governance and become a “apolitical” professional institution, the AIIB needs all its staff to establish an international community oriented concept, uphold professional ethics, eliminate ideological and political interference, and contribute to the public welfare of Asia and even the wider region as an international civil servant, promoting sustainable development in the world. Then, member states should recognize the priority of the common interests of the international community, rather than acting solely from the perspective of their own interests. If there is a conflict between national interests and international interests in AIIB affairs, international law should be used as the criterion for judgment. International law cannot choose to recognize every interest of each subject, but its importance can be evaluated or measured separately, providing standards for conflicts of interest and helping to achieve balance and coordination between national interests and common interests (S. Y. Li & Z. Li, 2005, p. 83).

Conclusion

“apolitical” is a fundamental requirement for the healthy and effective operation of professional international organizations, but the path to realization is extremely difficult. International law does not draw clear boundaries for “politicization”, and the relationship between international organizations and states, and even international law itself, is developing dynamically. However, we can still make inferences based on the basic principles of international law and the long-term practice of international organizations, and list the intervention of the Asian Investment Bank in national economic sovereignty, obvious lack of democracy in decision-making, and participation in resolving political disputes as prohibited behaviors. We also list its participation in anti-corruption work, environmental protection, and social security of its members as reasonable behaviors. As an international financial organization led by China, the AIIB is not a pure system where countries rely on their own power to play games (He & Sun, 2011, p. 74). It should, under the requirements of the international rule of law, eliminate the erosion of chauvinism by major powers and the interference from political factors, and provide public goods services to the international community in a professional role. Only an international organization that advocates international fairness and the rule of law can gain recognition and respect from more countries, thus becoming more vibrant and conducive to the improvement of international social status. All members of the Asian Investment Bank should also have a clear understanding that short-term political benefits obtained through politicization will ultimately damage their own reputation and the development of the organization. Adhering to the international rule of law and safeguarding the common interests of the international community can achieve long-term governance of the AIIB.

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