

## CHINA'S PEACEFUL DEVELOPMENT AND ITS INTERACTIONS WITH CONTEMPORARY INTERNATIONAL LAW

**Shokrani Maziyar**

Adjunct Faculty and Researcher, Zhejiang University Academy of International  
Strategy and Law

51, Zhijiang Road, Zhejiang University, Hangzhou, China, P.C. 310008

**Gabatlhaolwe Mmoloki**

Independent Researcher of Contemporary China Issues, International Politics and  
Africa-China Relations

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**ABSTRACT:** *The question of whether China's peaceful development is a threat to international peace and security (China threat theory), or not, continues to dominate the academic discourse. Nonetheless, China's efforts, both in theory and practice, have ascertained that its development not only is peaceful in its nature, but also, is extended throughout the world in numerous ways. This paper mainly investigates China's peaceful development from the international law perspective and its interaction with international law. It examines the concept of peace in Chinese ancient philosophy, explores China's peaceful development and its features and argues that it is harmonious with international law in various areas such as the purposes of the Charter of the United Nations, the Millennium Declaration, international human rights, etc. and can potentially contribute to development of international law through theory and practice.*

**KEYWORDS:** *China, Peaceful Development, International Law*

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## INTRODUCTION

Civilized nations, and the international community at large, have a common target and that is living in a harmonious world. This cannot be achieved without a global common action. However, recently the United States' withdrew from the Joint Comprehensive Plan of Action (JCPOA), and also gave a notice of withdrawal from the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC). These decisions have shown that our world still suffers from unilateral actions, which endanger international relations, as well as damage the credibility of international law. The President of China, Chairman Xi perceives the 'common action' as the solution to seize the historical opportunity for global recovery and growth. According to Xi, the common action should be a symphony, rather than a solo; and this symphony must be played in harmony by all nations, based on good will and consensus, while also taking into account different self-positioning.

*Today, the global economy and international economic cooperation have reached another crucial juncture. Can we strengthen the foundation for global recovery and growth and leave the crisis behind us? Can we seize the historical opportunity presented by technological breakthroughs and a new industrial revolution and usher in a new round of global growth? The answer lies in the course of common action that we will take.<sup>1</sup>*

Therefore, China's development plan involves reforms both to itself and the world in an endeavor to create a better future."<sup>2</sup> The peaceful development of China, like its self-positioning, not only borrows numerous concepts required for peaceful development from internationally recognized documents, but also has several new concepts to contribute to the world. According to these authors, the common action to build a harmonious world cannot be achieved unless through a sustainable peaceful development process in which the world fully cooperates in good faith. A harmonious world cannot be built unless the global community commits itself to strengthening the international law through its development and enforcement. Without doubt, China, as the world's second largest economy and through its permanent membership status in the United Nations Security Council (UNSC), plays a crucial role in enforcement and development of international law.

China, through both domestic and international positioning, deepens its domestic reforms and self-improvement; rebalancing its economic structure to make it more sustainable in the long run<sup>3</sup>, calls for joint global efforts towards reform of international order which it advocates for by virtue of its own reforms; and provides public goods for reform of the international order.<sup>4</sup> China, tangibly and intangibly, contributes to international order and international law through its public goods such as the Belt and the Road initiatives, Asian Infrastructure Investment Bank, China-UN Peace and Development Fund, etc.

China launched the proposal of peaceful development after the fundamental changes in relations between the East and the West following the end of the Cold War. The collapse of bipolar structure between capitalism and socialism involved reforms in Chinese economic system and its relations with the world. The possibility that major powers can clash is significantly low as countries are pressing for a peaceful and stable environment for their individual economic development. In support, Li et al (2012) contends that, "Instead of fierce confrontation, relationships between countries take the

<sup>1</sup> Jinping Xi, 'Message on 2016 G20 Summit in China', December 1st, 2015, Beijing, available at: <http://www.g20.org/English/China2016/G202016/201512/P020151210392071823168.pdf>, (accessed on 23 June 2018).

<sup>2</sup> Liyan Kou, 'China Is a Willing and Constructive Reformer of International Order', China Today, Vol. 65, No. 6, (2016) pp. 18-20

<sup>3</sup> Trade and Development Report 2015, UNCTAD, p. viii, available at: [http://unctad.org/en/PublicationsLibrary/tdr2015\\_en.pdf](http://unctad.org/en/PublicationsLibrary/tdr2015_en.pdf), (accessed on 21 August 2018).

<sup>4</sup> Id.

new form of peace and cooperation; furthermore, the aspiration of cooperation between the countries has, generally speaking, never been stronger, problems caused by war far outweigh benefits from it..."<sup>5</sup> Concurring, this paper posits that the world learnt important lessons from the Cold War that cooperation in a peaceful environment is the key element for development and building a harmonious world.

Despite the Western concerns on China threat theory, which is based on classical developments that was accompanied by military force and war, China has declared to the rest of the world on many occasions that it takes a path of peaceful development and is committed to upholding world peace and promoting common development and prosperity for all countries. Not only that, China also declared earnestly to the world that peaceful development is a strategic choice it made to realize modernization, make itself strong and prosperous, and make more contribution to the progress of human civilization will unswervingly follow this path.<sup>6</sup> In the eyes of other countries, a wealthier and more developed China will be more helpful to the development of the world. A Chinese scholar shares similar sentiments that;

*"Many from Southeast Asia see China's peaceful development as successful and acceptable. China's development offers these countries many benefits through greater cooperation and economic and social integration. China's neighbors clearly believe that a wealthier, more globally integrated China is preferable to a poorer and more isolated one."*<sup>7</sup> (Chu, 2009, p. 3)

Based on both doctrinal and empirical research methods, this article mainly answers the following questions:

- What is China's peaceful development?
- Is China's peaceful development harmonious with international law?
- What are some of China's contributions to international law?

In this article, we refer to the 2011 White Paper on China's peaceful development released on September 6<sup>th</sup>, 2011 by the Information Office of the State Council, as the primary source, and use international documents such as treaties, declarations as well as works of publicists to support our arguments and address the main question. To the best of our knowledge, there are no publications in English that cover China's peaceful development and its comparative study with major international law documents especially after the adoption of the 2011 White Paper.

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<sup>5</sup> Jingzhi Li et al, The Choice of China: Peaceful Development and Construction of a Harmonious World, (China Renmin University Press, 2012), pp. 4-5.

<sup>6</sup> The 2011 White paper on China's peaceful development, The Information Office of the State Council the China's cabinet, September 6<sup>th</sup> 2011, available at: <http://english.cri.cn/6909/2011/09/06/2741s656968.htm>, (accessed on 15 May 2017).

<sup>7</sup> Chu Shulong, Assessing Regional Reactions to China's Peaceful Development: A Chinese View, (The National Bureau of Asian Research, 2009), p. 3.

### China's Peaceful Development: Historical Background

China has, on many occasions, declared to the rest of the world that it takes a path of peaceful development and is committed to upholding world peace and promoting common development and prosperity for all countries. This section of the paper seeks to discuss China's peaceful development from its philosophical and historical roots to its main characteristics and features.

### The Concept of 'Peace' in Chinese Classic Philosophy

The concept of 'Peace' is vague in the realm of international law; however the majority of peace researches have focused on the negative component of peace, which is prevention of war and violence (Bailliet, et al, 2015).<sup>8</sup> The way Chinese classic philosophy has treated peace and harmony is at odds with how contemporary international law does. For instance, in ancient China, the social system was dealt with filial piety and the society was greatly concerned about obeying the rulers. Kongzi said,

*In this world, there are two great concerns. One is destiny. One is righteousness. Children's love for their family is destiny: you can't undo it in your mind. The service of subjects for their rulers is righteousness: there is nowhere you can go and not have rulers, nowhere you can escape between Heaven and earth. These are great concerns. To serve your family, wherever they go, is the perfection of filial piety. To serve your rulers, whatever they ask, is the height of loyalty.*<sup>9</sup> (Ivanhoe and Van Norden, 2012, p. 225)

Therefore, in ancient China, unlike today, the peace and harmony was sought through the filial piety system and love. About achievement of peace in the world, Mengzi believed that it should not be taken as a difficult issue and said;

*"The Way lies in what is near, but people seek it in what is distant; one's task lies in what is easy, but people seek it in what is difficult. If everyone would treat their kin as kin, and their elders as elders, the world would be at peace."*<sup>10</sup> (Ivanhoe and Van Norden, 2012, p.134)

Although described in general words, Mengzi's idea needs deep considerations and it is still applicable in today's world. Unlike Mengzi, Xunzi believed that nature of people is not peaceful.<sup>11</sup> On achievement of peace, Kongzi believed that one must cultivate himself first. He said,

<sup>8</sup> Cecilia Baillet, et al, 'Promoting Peace through International Law', in Bailliet, Celilia et al. eds., Promoting Peace Through International Law, (Oxford University Press, 2015), pp. 1-18.

<sup>9</sup> Philip J Ivanhoe and Bryan W. Van Norden, Readings in Chinese Classical Philosophy, (Seven Bridge Press, 2001), p. 225.

<sup>10</sup> Id. at 134.

<sup>11</sup> Philip J Ivanhoe and Bryan W. Van Norden, Readings in Chinese Classical Philosophy, (Seven Bridge Press, 2001), p. 288.

*“He cultivates himself in order to bring peace to the people. Cultivating oneself and thereby bringing peace to the people is an accomplishment that even a Yao or a Shun would not disdain.”<sup>12</sup>*

Notably, Chinese classic philosophy is full of peace-loving and peace-related quotes, something that indicates that living in peace, and harmony with others has been respected even in China’s ancient history and civilization.

### **History**

To analyze and understand the nature and purposes of China’s peaceful development, there is a need to study some very important periods in China’s history, both in ancient history and modern history.

Located in the East of Asia, China enjoys a civilized history of over 5000 years. Tracing back to the century of humiliation (1842-1949), China faced internal turmoil and external pressure, which included the opium war, the second opium war, the Sino-Japanese war and the Boxer-Rebellion. The four wars lead to the conclusions of the treaty of Nanking, the Treaty of Tianjin, the Treaty of Shimonoseki and the Boxer Protocol of 1901 respectively. According to Chow (2009), these unequal treaties were aimed at capturing China’s huge market.<sup>13</sup> He elaborates further;

Although the treaties were supposedly signed between ‘equal’ sovereign powers, they were quite unequal and forced China into a weaker position against its will. The treaties all exhibited some common traits. In addition to requiring an indemnity to be paid by China, the treaties granted numerous special privileges to foreigners who were to be treated better than native Chinese, and imposed the principle of extraterritoriality exempting all foreigners in the treaty ports from Chinese law and allowing them to enjoy foreign consular jurisdiction under their own nationality.<sup>14</sup> (Chow, 2009)

This is one period that made the country poor and weak and the people suffered from the war and chaos.

“In the mid-19th century, Western powers forced open China's door with gunboats. Internal turmoil and foreign aggression gradually turned China into a semi-colonial and semi-feudal society. The country became poor and weak, and the people suffered from wars and chaos. Facing imminent danger of national subjugation, one generation of patriots after another fought hard to find a way to reform and save the nation.”<sup>15</sup>

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<sup>12</sup> Id. p. 40.

<sup>13</sup> Daniel C.K. Chow, The Legal System of the People’s Republic of China, (West Group, 2009), p.5.

<sup>14</sup> Id.

<sup>15</sup> Id. Supra note 6.

China's crisis in the century of humiliation and unequal treaties led to two major responses to the consequences of the turmoil and pressure, which were anti-imperialism and self-strengthening. Firstly, more Chinese intellectuals got involved in contributing towards the progress of the country and through a limited opening to the outside world, western science and technology were introduced and, modern weapons purchased. Secondly, there was application of Ti-Yung strategy which China sought to face western countries by reality; Essence must be Chinese, and we can get science from West whenever is necessary.<sup>16</sup> In an interesting turn of events, in the beginning of the twentieth century China stood on the rise and could enjoy stability and relative prosperity, which was unknown to its history. During the same period, China experienced two revolutionary civil wars (1923-1937) whereby 'anti-imperialist' and 'anti-feudal' laws in nature arose.<sup>17</sup> Subsequently, China experienced a transition from the 'New Democracy' to 'Socialism' under a planned economy.<sup>18</sup> It was in the 1950s that China started copying some Western methods<sup>19</sup> on a selective basis into its economic system and the main focus was on medicine, the consumer society and the work ethic, which led China to be the biggest and fastest of all the industrialization revolutions in a space of 26 years.<sup>20</sup> In addition, a new era of Chinese legal history began in 1978. In a speech, Deng Xiaoping was quoted saying,

*In order to safeguard people's democracy, the legal system must be strengthened. Democracy needs to be institutionalized and legalized so that such a system and such laws would not change merely because of a change of leadership or a change in the leaders' views and attention.*"<sup>21</sup>

<sup>16</sup> See Yuanyuan, Shen, 'Understanding the Legal Complexity of Law Reform in Modern China' in Karen G. Turner, *The Limits of the Rule of law in China*, (University of Washington Press, 2000), pp. 20-44.

<sup>17</sup> Albert Chen, *An Introduction to the Legal System of the People's Republic of China*, (LexisNexis, 2011), p. 30.

<sup>18</sup> *Id.* p. 33.

<sup>19</sup> The six killer apps applied by Western countries were (1) Competition: Europe was politically fragmented, and within each monarchy or republic there were multiple competing corporate entities; (2) the Scientific Revolution: All the major 17th-century breakthroughs in mathematics, astronomy, physics, chemistry and biology happened in Western Europe; (3) the rule of law and representative government: This optimal system of social and political order emerged in the English-speaking world, based on property rights and the representation of property owners in elected legislatures; (4) modern medicine: All the major 19th- and 20th-century advances in health care, including the control of tropical diseases, were made by Western Europeans and North Americans; (5) the consumer society: The Industrial Revolution took place where there was both a supply of productivity-enhancing technologies and a demand for more, better and cheaper goods, beginning with cotton garments; (6) the work ethic: Westerners were the first people in the world to combine more extensive and intensive labor with higher savings rates, permitting sustained capital accumulation, *infra* n. 20.

<sup>20</sup> Niall Ferguson, 'In China's Orbit', *WSJ*, November 18, 2010.

<sup>21</sup> Deng Xiaoping (1983), pp. 136-137 in Albert Chen, *An Introduction to the Legal System of the People's Republic of China*, (LexisNexis, 2011), p. 41.



Since 1978 China has been enacting numerous laws in order to enter in to the global market and move out of the planned economy which could be called the 'Unique Chinese Law Family' characterized by 'one unitary country with multiple legal jurisdiction'; 'significant external influences'; and, 'striking Chinese characteristics'.<sup>22</sup> Moreover, since China's membership to the World Trade Organization (WTO) in 2001, several major principles of the rule of law were incorporated in to the Chinese legal system.<sup>23</sup>

### Features of China's Peaceful Development

China's peaceful development has several basic features. These include scientific development, independent and open development, peaceful, cooperative and common development. This section seeks to elaborate on these three features as below.

#### Independence and Openness

As a big developing country with a large population, and besides its dependence on foreign policy, China puts great emphasis on independent domestic development and based on the policy of independent innovation and advancement in key technology areas to support national development, it promotes technology progress and upgrades the industrial foundations for improving people's lives.<sup>24</sup> (Zheng et al, 2012). The *White Paper* reads;

*China maintains independence, focuses on domestic development, acts in keeping with its national conditions, carries out reform and innovation for economic and social development through its own efforts, and it does not shift problems and difficulties onto other countries.*

However, the fact should not be denied that China's peaceful development also "announced to the international community in 2005 that it would be committed to the promotion of the construction of a harmonious world of sustained peace and common prosperity, hand in hand with countries across the world".<sup>25</sup> There is no contradiction between these two features as contribution to the world's common prosperity can only be achieved through independent innovation in domestic level in linking the research bodies with enterprises as the *White Paper*, in this connection, opines that:

<sup>22</sup> See Yi Kun Zhou, Concise Chinese Law, (Law Press, 2003), pp. 1-3.

<sup>23</sup> See Esther Lam, China and the WTO: A Long March towards the Rule of Law, (Kluwer Law International, 2009), pp. 151-178.

<sup>24</sup> Bijian Zheng et al, ed., China's Peaceful Development and Building a Harmonious World, (People's Publishing House, 2012), pp. 56-59.

<sup>25</sup> Zhengyuan Guo, 'Great Transition amidst Grave Challenges-Changes of China's International Environment during the Post-Financial Crisis Era and Its Strategic Response', in Xing Qu, ed., Evolution of the International Pattern in Post-crisis Era and the Environment for China's Peaceful Development, papers from the Forum on International Situation 2010, (Current Affairs Press, 2011), pp. 262-273.

*in the era of economic globalization, only by pursuing independent development can China more effectively participate in international division of labor, and promote mutually beneficial cooperation with other countries.*

Equally, China's peaceful development is an open one as well. China made fundamental attempts to change the common economic system together with its merits. China learned that it could not develop with its door closed. Through opening its door, China pursues a two-fold task of independent development and taking part in economic globalization and according to Zheng et al (2012), "both carries forward the fine achievements of other civilizations. It combines the domestic market and foreign markets and uses both domestic resources and foreign recourses."<sup>26</sup> In the same way, as stressed by the former president of China Hu Jintao offered the following in order to stress on the benefits of opening up,

*Adhering to the basic state policy of opening up, we will better integrate our 'bring in' and 'go global' strategies, expand the areas of opening up, optimize its structure, raise its quality, and turn our open economy into one in which domestic development and opening to the outside world interact..."<sup>27</sup>*

With open doors, for sure, China proved its liability to make a contribution to the world's harmony and development. According to an OECD report, China made innovative and open efforts towards development as follows:

*"Making the changes necessary to improve performance further during the 12th Plan will require changing some of the framework conditions for innovation as they are insufficiently conducive to market-led innovation. In particular, those parts of the framework relating to corporate governance; the financing of R&D and technology-based entrepreneurship and enforcement of intellectual property rights need improvement. This could create the necessary conditions for the operation of an open system of innovation in which indigenous innovation capabilities and R&D-intensive foreign investment could be mutually reinforcing."<sup>28</sup>*

### **Peacefulness**

This paper recognizes peacefulness as the most important feature of China's development since it ensures that it does not pose any threat to international peace; therefore, having this basic feature enables it to contribute to international law accordingly, as the primary purpose of international law and the establishment of the

<sup>26</sup> Id. Supra note 25, pp. 60-61.

<sup>27</sup> Jintao Hu, 'Hold High the Great Banner of Socialism with Chinese Characteristics and Strive for New Victories in Building a Moderately Prosperous Society in All Aspects', p. 21, in Bijiang Zheng, Id. Supra note 24, p.61.

<sup>28</sup> 'China's Emergence as a Market Economy, Achievements and Challenges', OECD Contributions to the China Development Forum 20-21 March 2011, Beijing, available at: <http://www.oecd.org/china/47408845.pdf>, (accessed on 22 August 2018).



United Nation is maintaining international peace and security<sup>29</sup>. Also, notable sufferings from foreign aggression have caused the Chinese nation to become a staunch peace loving one, and this has been enrooted in Chinese philosophy and culture. As mentioned earlier in this section, China pursues an independent foreign policy and it is worthy to note that China has never brought a dispute to the International Court of Justice, which demonstrates that China prefers more peaceful resolutions as opposed to referring matters to international courts. China's development guarantees its peaceful nature, and the *White Paper* buttresses this argument as follows,

*The central goal of China's diplomacy is to create a peaceful and stable international environment for its development. In the meantime, China strives to make its due contribution to world peace and development. It never engages in aggression or expansion, never seeks hegemony, and remains a staunch force for upholding regional and world peace and stability". Without peaceful nature, logically, China cannot contribute to international law. Conducting education programs in other countries could be very effective in order to convey the message of peace as suggested by Chinese scholars that China's successful experiences and practices in development of basic education in poor areas could be a source of reference for Afghanistan.*<sup>30</sup>

### **Commonness**

Another important aspect of China's peaceful development, which facilitates its contribution to international community and international law, is its commonness. While China's peaceful development is domestically independent, China admits that countries are becoming increasingly interdependent. The *White Paper* expresses the breadth of the feature of 'common' development as below,

*Only when common development of all countries is realized and more people share the fruit of development, can world peace and stability have a solid foundation and be effectively guaranteed, and can development be sustainable in all countries. Therefore, China unswervingly follows a strategy of opening-up and mutual benefit. It pursues both its own interests and the common interests of mankind and works to ensure that its own development and the development of other countries are mutually reinforcing".*

The unique feature of the commonness of China's peaceful development, therefore, is on a mutual basis and that guarantees its own development as well as the development of other countries e.g. the Middle Eastern countries, which are looking to the East. Economically speaking, these countries and China have been carrying out pragmatic cooperation on the basis of mutual benefit.<sup>31</sup> Remarkably, China's contribution to

<sup>29</sup> UN Charter, art. 1.

<sup>30</sup> Shu Yang and Yongbiao Zhu, 'The Prospects for Afghanistan', in Xing Qu, ed., Id. Supra note 25, pp. 99-113.

<sup>31</sup> An, Huihou, 'Middle East Countries Show an Increasing Trend of Looking East', in Qu, Xing, (ed.), Evolution of the International Pattern in Post-crisis Era and the Environment for China's Peaceful

global growth increased from 5 per cent in 1980 to 12 percent in 2000 and 30 per cent in 2010 and almost 1½-percentage points of the projected growth of 4-4½ per cent of the world economy in 2011-12 was contributed to by China.<sup>32</sup>

### III China's Peaceful Development: Harmony with International Law

To determine whether China's peaceful development is harmonious with international law, one must consider its peaceful development in numerous aspects together, within a considerable period of time. A quote from Kongzi is worth mentioning here. He said

*"What can be known about music is this: when it first begins, it resounds with a confusing variety of notes, but as it unfolds, these notes are reconciled by means of harmony, brought into tension by means of counterpoint, and finally woven together into a seamless whole. It is in this way that music reaches its perfection."*<sup>33</sup>

To determine the harmony with international law, then, various aspects must be considered. For this purpose, several aspects of China's peaceful development must be comparatively studied with basic sources of international law to observe how it will reach its perfections.

### The UN Charter and China's Peaceful Development

The *UN Charter* was agreed to in April 1945 at a founding conference attended by delegations from fifty nations, which was signed on June 26, 1945. The *UN Charter* aimed to secure lasting peace and security after the war of the twentieth century. *UN Charter* is the foundational treaty of the United Nations and considered as a supreme treaty among other international treaties in the event of a conflict between the obligations of the Members of the United Nations under the present *UN Charter* and their obligations under any other international agreements where their obligations under the *UN Charter* shall prevail.<sup>34</sup> Below, several features of the *White Paper* and their conformity with the *UN Charter* is examined:

In a nutshell, the purposes of the United Nations are maintaining international peace and security, developing friendly relations among nations and achieving international cooperation in solving international problems.

### To maintain international peace and security:

In line with this important purpose, China commits itself not to pose any military threat to any country and pursue peaceful means to solve international disputes. The *White Paper* reads,

"China will not engage in arms race with any other country, and it does not pose a military threat to any other country. China follows the principle of not attacking others

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Development, papers from the Forum on International Situation 2010, (Current Affairs Press, 2011), pp. 114-133.

<sup>32</sup> Id. Supra note 28.

<sup>33</sup> Id. 8 at 9.

<sup>34</sup> UN Charter, Art. 103.

unless it is attacked, and it is committed to solving international disputes and hotspot issues with peaceful means. China actively carries out international military exchanges, promotes international and regional security cooperation and opposes terrorism in all forms.”<sup>35</sup>

To illustrate the purpose of building a harmonious world, the *White Paper* also says “In terms of security, countries should trust each other and strengthen cooperation, settle international disputes and conflicts peacefully rather than resorting to war and jointly safeguard world peace and stability. Consultation and dialogue should be carried out to enhance mutual trust, reduce differences and settle disputes. Use or threat of use of military force should be avoided.”<sup>36</sup> Therefore, China, for the purpose of maintaining peace and security, steps beyond the *UN Charter* and suggests consultation and dialogue for enhancing mutual trust and reducing differences. China actively participates in peacekeeping operations. According to Xinhua, As of December 2010, China has dispatched 17,390 military personnel to 19 UN peacekeeping missions. Nine officers and men have lost their lives on duty, says the white paper, issued by the Information Office of the State Council and The Chinese peacekeeping troops have built and repaired over 8,700 km of roads and 270 bridges, cleared over 8,900 mines and various explosive devices, transported over 600,000 tons of cargo across a total distance of 9.3 million km, and treated 79,000 patients, according to the white paper.<sup>37</sup>

#### **To develop friendly relations among nations:**

*“In pursuing an independent foreign policy of peace, China promotes friendly and cooperative relations with all the other countries on the basis of the Five Principles of Peaceful Coexistence”.*<sup>38</sup>

It does not form alliance with any other country or group of countries, nor does it use social system or ideology as a yardstick to determine what kind of relations it should have with other countries. China also respects the equal rights and self-determination of the peoples of the world. The *White Paper* reads “China respects the right of the people of other countries to independently choose their own social system and path of development, and does not interfere in other countries' internal affairs.”<sup>39</sup> The *White Paper* also guarantees the equality of nations and reads “countries should respect each other and treat each other as equals, and work together to promote democracy in international relations. All the countries in the world, whether big or small, strong or

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<sup>35</sup> The 2011 White Paper.

<sup>36</sup> The 2011 White Paper.

<sup>37</sup> [http://www.chinadaily.com.cn/china/2011-03/31/content\\_12257975.htm](http://www.chinadaily.com.cn/china/2011-03/31/content_12257975.htm), (accessed on 2 November 2018).

<sup>38</sup> China's Initiation of the Five Principles of Peaceful Co-Existence, available at: [http://www.fmprc.gov.cn/mfa\\_eng/ziliao\\_665539/3602\\_665543/3604\\_665547/t18053.shtml](http://www.fmprc.gov.cn/mfa_eng/ziliao_665539/3602_665543/3604_665547/t18053.shtml), (Accessed on 22 November 2018).

<sup>39</sup> The 2011 White Paper.

weak, rich or poor, are equal members of the international community and should receive due respect of the international community.”<sup>40</sup>

**To achieve international co-operation in solving international problems:**

China’s peaceful development puts special attention on economic issues and desires a globalized and balanced economy. The *White Paper* advises that,

*“Countries should cooperate with each other, draw on each other's strengths and make economic globalization a balanced and win-win process that benefits all countries. Countries should also seek to establish an international multilateral trading system that is fair, open, equitable and nondiscriminatory so that the benefit of economic globalization will cover all countries”.*<sup>41</sup>

China, as a major investor in other countries, contributes significantly to solve economic and social problems. According to UNCTAD report,

*The BRICS countries (Brazil, the Russian Federation, India, China and South Africa) continued to be the leading sources of FDI among emerging investor countries. Flows from these five economies rose from \$7 billion in 2000 to \$145 billion in 2012, accounting for 10 per cent of the world total. Their TNCs are becoming increasingly active, including in Africa. In the ranks of top investors, China moved up from the sixth to the third largest investor in 2012, after the United States and Japan*<sup>42</sup> (*World Investment Report, 2013*)

Moreover, the same report reveals that China and Hong Kong (China) were the second and third largest FDI recipients worldwide and in 2014 China became the largest FDI recipient in the world.<sup>43</sup> These facts show clearly that China’s peaceful development is rather a multi-lateral process in which all peoples of the world can be beneficiaries.

**Active Participation for harmonizing the actions of nations:**

China, as an effective member of the United Nations and a permanent member of the UNSC, and as the second largest economy in the world plays a significant role in harmonizing actions. For example, it had tangible contributions to development of international law in various ways, as a member to the WTO, China can contribute to harmonization of certain policies. WTO potentially can harmonize domestic policies such as competition law, government procurement law and procedures, environmental

<sup>40</sup> The 2011 White Paper.

<sup>41</sup> The 2011 White Paper.

<sup>42</sup> World Investment Report (2013), UNCTAD, available at: [http://unctad.org/en/PublicationsLibrary/wir2013\\_en.pdf](http://unctad.org/en/PublicationsLibrary/wir2013_en.pdf), (accessed on 21 August 2018).

<sup>43</sup> World Investment Report (2015), UNCTAD, available at: [http://unctad.org/en/PublicationsLibrary/wir2015\\_en.pdf](http://unctad.org/en/PublicationsLibrary/wir2015_en.pdf), (accessed on 21 August 2018).

regulations, product liability law, labor standards, tax policies, company law and consumer protection.<sup>44</sup>

### **China's Peaceful Development and Human Rights**

Similarly, without respecting the universally recognized human rights, it would be difficult to introduce a harmonious development to the world since the primary purpose of development is tied to the welfare and well-being of the peoples of the world. To achieve this purpose, there has to be respect and development of principles of human rights. For this reason, China's peaceful development expressly commits to respect and promote human rights. This paper introduces, below, some aspects and examples of how China is making great strides in these areas.

### **China's Peaceful Development and the Universal Declaration of Human Rights**

As a milestone in the history of human rights, representatives of all regions of the world drafted the Universal Declaration of Human Rights, encompassing all legal traditions by the United Nations Human Rights Commission under chairmanship of Eleanor Roosevelt. The Declaration was adopted on December 10, 1948 and it is considered as the most universal document on Human Rights. China's peaceful development is in harmony with this document and can contribute to its purposes in the below mentioned contexts

### **Equality and Basic Freedoms**

The Declaration recognizes the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world<sup>45</sup> It puts it out in vivid details that, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion..."<sup>46</sup> Furthermore had tangible contributions to development of international law in various ways, the *White Paper* asserts that,

*"We will continue to treat all ethnic groups as equals and practice the system of regional autonomy of ethnic minorities, protect people's freedom of religious belief according to law, and fully respect and uphold basic human rights and other lawful rights and interests of citizens".<sup>47</sup>*

Additionally, China guarantees public participation in decision-making and political processes as catered for in the White paper. Below is an extract from the document,

*"We will continue to conduct democratic election, decision-making, governance and supervision in accordance with the law, uphold people's right to have access to*

<sup>44</sup> Arie Reich, 'The WTO as a Law-Harmonizing Institution', 25 U. Pa. J. Int'l Econ. L. 321 2004.

<sup>45</sup> Preamble, UDHR.

<sup>46</sup> Art. 2, UDHR.

<sup>47</sup> The 2011 White Paper.

*information, to participate in governance, to express their views and to supervise the government, and we will expand orderly public participation in the political process.”<sup>48</sup>*

### **Promotion of Friendly Relations**

The Declaration considers promoting the development of friendly relations between nations as an essential task.<sup>49</sup> Drawing much attention to this undertaking, the *White Paper* states that,

*“China will endeavor to make life better for its people and contribute to human progress through hard work, innovation and reform carried out by the Chinese people and growing long-term friendly relations and promoting equality and mutually-beneficial cooperation with other countries. This has become a national commitment...”<sup>50</sup>*

### **China’s Human Rights Context**

The Chinese government, in November 1991, issued its first human rights document, called *White Paper on Human Rights in China* (1991)<sup>51</sup> whereby various aspects of human rights are guaranteed such as political rights<sup>52</sup>, economic, cultural and social rights<sup>53</sup>, rights in China’s judicial work<sup>54</sup>, right to work<sup>55</sup>, freedom of religious belief<sup>56</sup>, human rights for the disabled<sup>57</sup>, etc. While discussing about human rights, we must consider that human rights are culturally relative. Many Western lawyers have criticized the relativism of human rights. To respond to this criticism, a Chinese scholar reasons that,

*“Traditional dichotomy between universalism and relativism is of limited value to reconcile the competing conceptions of human rights. The pros of universalism have failed to demonstrate whether all kinds of human rights are universal, especially whether the universalism of human rights itself is tantamount to the universalism of the process of realization of human rights. The pros of relativism, however, have also failed to answer whether all kinds of human rights are relative.”<sup>58</sup>*

### **China’s Peaceful Development and the UN Millennium Declaration**

<sup>48</sup> The 2011 White Paper.

<sup>49</sup> The Preamble, UDHR.

<sup>50</sup> The 2011 White Paper.

<sup>51</sup> <http://china.org.cn/e-white/7/index.htm> (Accessed on 17 August 2018).

<sup>52</sup> The 1991 White Paper, Part II.

<sup>53</sup> Id. Part III.

<sup>54</sup> Id. Part IV.

<sup>55</sup> Id. Part V.

<sup>56</sup> Id. Part VI.

<sup>57</sup> Id. Part IX.

<sup>58</sup> Congyan Cai, ‘Human Rights Conditionality and International Economic Relations: A Chinese Lawyer’s Perspective’, in Eric Yong, Joong Li, ed., *China and International Law in 21st Century*, Vol. 1 Rising Dragon, (Yijun Press, 2013), pp. 203-230.



China invites all the countries to work together to fulfill the UN Millennium Development Goals and enable everyone to enjoy the benefit of development in the 21st century.<sup>59</sup> The Millennium Summit of the United Nations was held on 6-8 September at New York, which was the largest-ever gathering of world leaders. The Declaration was the main document of the Summit and it contained a statement of values, principles and objectives for the international agenda for the twenty-first century.<sup>60</sup> The Summit Declaration cited freedom, equality (of individuals and nations), solidarity, tolerance, and respect for nature and shared responsibility as six values fundamental to international relations for the twenty-first century.<sup>61</sup> The heads of States and Governments, gathering at headquarter of the UN in New York declared that:

*We determined to establish a just and lasting peace all over the world in accordance with the purposes and principles of the UN Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character.”<sup>62</sup>*

Further, they put emphasize on the issue of globalization and declared that, *“Through broad and sustained efforts to create a shared future, based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable. These efforts must include policies and measures, at the global level, which correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation.”<sup>63</sup>*

All these obligations are necessary for peaceful development of the world, and, are guaranteed by the *White Paper*.

### **China’s Peaceful Development and Global Challenges**

China is concerned about security impact of global challenges and invites all countries to address them together and advances that,

*“Global challenges have become major threats to the world. Common security issues are becoming ever more severe. They include terrorism, the spread of weapons of mass destruction, financial crises, natural disasters, climate change, and security of energy,*

<sup>59</sup> The 2011 White Paper.

<sup>60</sup> <http://www.un.org/esa/devagenda/millennium.html>, (Accessed on 17 August 2018).

<sup>61</sup> A/RES/55/2, <http://www.un.org/millennium/declaration/ares552e.pdf>, (Accessed on 17 August 2018).

<sup>62</sup> Id.

<sup>63</sup> Id.

*resources, food and public health, and the list is growing. These and other global problems have a major impact on human survival and sustainable economic and social development. No country can handle these issues on its own, which should be addressed by all countries together. If these problems are not addressed through comprehensive and sustained international cooperation, world peace and development will run into huge obstacles and could even suffer disastrous setback.*"<sup>64</sup>

Some of these challenges need to be paused on:

### **Terrorism**

International terrorism is one of the most crucial threats to the world's peace and security. Combating terrorism is of interest to all nations and the issue has been on the international agenda for decades. A historic milestone was reached in 2006 when all Member States of the UN agreed on a global strategy to coordinate their counter-terrorism efforts. By the 2006 resolution, the UN Member States guided by the purposes and principles of the *UN Charter*, and reaffirming its role under the *UN Charter*, including on questions related to international peace and security, resolved, among others: *to consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, ..., and to take urgent action to prevent and combat terrorism in all its forms manifestations and;*<sup>65</sup>

Now, the obligations set forth in the resolution require a proper international legal architecture as well as a domestic one. It also needs a harmonized framework of coordination and cooperation. Accordingly, the 2011 *White Paper* commits to combat terrorism so as to enable China to be a great part of the solution to this global challenge.

### **Spread of Weapons of Mass Destruction**

The world is littered with weapons of mass destruction, which comprise of nuclear, biological and chemical weapons as well as missiles. The devastating impact of these weapons on the global peace and security is clear to all and spread of these weapons have always been a matter of concern and States concluded several treaties on banning spread of weapons of mass destruction and disarmament. The 1925 *Geneva Protocol*, *Biological Weapons Convention*, *Chemical Weapons Convention* and the *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*<sup>66</sup> are some of them. Among these treaties, the NPT has been a controversial one and one of the most debated treaties directly related to the world peace and security. Entered into force on March 5, 1970, the NPT attracted a wide range of signatories since it was opened to signature. The primary purposes of this treaty were preventing a nuclear war and ensuring security of the peoples of the world.

<sup>64</sup> The 2011 White Paper, Part IV.

<sup>65</sup> A/RES/60/288.

<sup>66</sup> <http://disarmament.un.org/treaties/t/npt/text>, (Accessed on 01 July 2018).

The NPT divides the member states into the Nuclear-Weapon State (NWS) and Non-Nuclear-Weapon State (NNWS) and set forth-different obligations for them. NPT requires, on one hand, that

*“Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices”.*<sup>67</sup>

On the other hand, each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.<sup>68</sup>

According to NPT each of the State Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.<sup>69</sup> Unfortunately, Article 6 has not been fully observed and adhered to by NWSs; however, China as a NWS to the NPT follows the policy of no-first-use of nuclear weapons. China signed the NPT in 1992.<sup>70</sup>

*The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological Weapons Convention)* entered into force on March 5, 1975. China opened up to this Biological Weapons Convention in 1984.<sup>71</sup>

*(Chemical Weapons Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction)* entered into force on April 25, 1997. *The Chemical Weapons Convention* is believed to be a true disarmament one and a model for inspiring other disarmament treaties.<sup>72</sup> China accessed to this convention in 1993 and ratified it in 1997.

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<sup>67</sup> Art. 1, NPT.

<sup>68</sup> Art. 2, NPT.

<sup>69</sup> Art. 6, NPT.

<sup>70</sup> <http://disarmament.un.org/treaties/t/npt>, (Accessed on 01 July 2018).

<sup>71</sup> <http://disarmament.un.org/treaties/t/bwc>, (Accessed on 17 May 2018).

<sup>72</sup> See Lisa Tabassi, 'The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention)', in Geir Ulfstein, ed., *Making Treaties Work: Human Rights, Environment and Arms Control*, (Cambridge University Press, 2010), pp. 273-300.

Despite obligations under the above treaty and conventions, China suggests, in accordance to the 2011 *White Paper*, to handle this issue with cooperation and coordination with all countries as a global action towards the world's peace.

### **Climate Change**

In 1992, countries joined an international treaty named the *United Nations Framework Convention on Climate Change* (UNFCCC), to find a solution in order to limit global temperature increases and the resulting climate change, and to cope with its impacts. The Kyoto Protocol, as its initiative, legally binds developed countries to observe emission reduction targets. The Protocol's first commitment period started in 2008 and ended in 2012. The second commitment period began on 1 January 2013 and will end in 2020.<sup>73</sup> The Kyoto protocol introduced a Clean Development Mechanism (CDM), which is a market-based performing system as a response towards mitigation of global warming.<sup>74</sup> The extract below delves into the mandate and objectives of the CDM;

*"With dual aim of fostering sustainable development in developing countries and helping industrialized countries meet their mandated GHG (Greenhouse Gas) emission reduction targets cost-effectively, the CDM is the only mechanism under the Kyoto Protocol open to industrialized and developing countries. It allows industrialized countries to buy the Certified Emission Reduction (CER) credits from emission reduction projects undertaken in developing countries by providing financial assistance or clean technology transfer to offset a part of their emission reduction targets under the Protocol."*<sup>75</sup>

This papers acknowledges that cooperation and coordination between industrialized countries and developing countries needs to be harmonized by means of a common target and China, as a main player in the global economy, has a challenging undertaking through its peaceful development. Meanwhile, a large number of international documents address the above challenges that pose threats to the world peace and development despite that they are still insufficient and need collective action by all countries. China's peaceful development, in line with international law, suggests a comprehensive and sustained international cooperation.

### **Contributions of China's Peaceful Development to International Law**

This Chapter introduces and discusses some significant contributions that China's peaceful development made to international law. These contributions are outstandingly noticeable in the notion of the Five Principles of Peaceful Coexistence, the No-first-use

<sup>73</sup> <http://www.un.org/climatechange/towards-a-climate-agreement>, (Accessed on 17 May 2018).

<sup>74</sup> Jiang Xiaoyi, and Hao Fahui, 'Legal Issues for Implementing the Clean Development Mechanism in China', in Eric Yong, Joong Li, ed., Id. Supra note 58, pp.167-200.

<sup>75</sup> Id.

of Nuclear Weapons Policy, the Belt and Road Initiative, Asian Infrastructure Investment Bank and China's training of highly qualified publicists.

### **The Five Principles of Peaceful Coexistence**

Shortly after the establishment of the People's Republic of China, Chairman Mao stated that China was ready to establish diplomatic relations with all countries that were willing to "observe the principles of equality, mutual benefit and mutual respect for territorial integrity and sovereignty"<sup>76</sup>. This was reiterated in the common program adopted by the First Session of the National Committee of the Chinese People's Political Consultative Conference on 29 September, 1949. After the establishment of diplomatic relations between China and India, China agreed to negotiations between China and India on their relations in the Tibet Region, which were held in Beijing from 31 December 1953 to 29 April 1954<sup>77</sup>. Later on the 31<sup>st</sup> of December 1953, Premier Zhou Enlai met with members of the Indian Government Delegation where he put forward, for the first time, the Five Principles of Peaceful Co-Existence, namely; mutual respect for each other's territorial integrity and sovereignty; mutual non-aggression; non-interference in each other's internal affairs; equality and mutual benefit; and peaceful co-existence. In response, the Indian side agreed that the Five Principles of Peaceful Co-Existence advanced by Premier Zhou be taken as the guiding principles for the negotiations and they were incorporated in an agreement. The former President of China elaborated on the historical importance of these Principles as,

*"A pioneering effort in the 20th- century history of international relations and an important contribution to the cause of peace and development of humanity. Over the past half-century, the Five Principles have withstood the test of history and won extensive recognition by the international community, thus becoming a major set of norms governing state-to-state relations."*<sup>78</sup> (Kalam, 2004, p )

Liu Huaqiu regards the Principles as the outcome of the exigency of establishing a 'new-type' of international relations after the Second World War. He asserts that, *With the movement for national independence and liberation vigorously surging forward after World War II and following the collapse of the Western Colonial system, the epoch in which the imperialism arbitrarily dominated the destiny of other countries in the world had gone forever.*<sup>79</sup> (Liu, p 33-47)

<sup>76</sup> China's Initiation of the Five Principles of Peaceful Co-Existence, [http://www.fmprc.gov.cn/mfa\\_eng/ziliao\\_665539/3602\\_665543/3604\\_665547/t18053.shtml](http://www.fmprc.gov.cn/mfa_eng/ziliao_665539/3602_665543/3604_665547/t18053.shtml), visited on 22 September 2016.

<sup>77</sup> Id.

<sup>78</sup> Abdulkalam, H.E.A.P.J., 'Message of Congratulation from Hu Jintao, President of the People's Republic of China to H.E. A.P.J. Abdul Kalam, President of the Republic of India', in "On the Five Principles of Peaceful Coexistence, World Affairs Press, (2004), p. 7.

<sup>79</sup> Huaqiu, Liu, 'The Five Principles of Peaceful Coexistence Shining Forever on the Occasion of the 50th Anniversary of the Proclamations of the Five Principles of Peaceful Coexistence', in "On the Five Principles of Peaceful Coexistence, World Affairs Press, (2004), pp. 33-47.

Although the former Secretary General of the UN regarded the Principles as the same ones already contained in the UN Charter, he agreed with the fact that peaceful coexistence was a new concept.<sup>80</sup> The Five Principles, had impact on international law and international relations. The Bandung Conference in April 1955 and the Afro-Asian States accepted it for instance, as a protection against the hegemony of the United States and the former Soviet Union. It, essentially, became the main objective of the policy of non-aligned countries, and the twentieth Congress of the Communist Party of the Soviet Union also adopted it.<sup>81</sup>

### **No-First-Use of Nuclear Weapons Policy**

A convention of No-first-use of Nuclear Weapons was never concluded and this led to NWSs keeping the right of first-use of nuclear weapons without fear of hiding their willingness of doing so in particular situations. Also, a comprehensive ban on the use of nuclear weapons is still not concluded as of today. A clear example of the willingness to use nuclear weapons was shown by the US Former President Obama's declaration on April 2010 when he said, "The United States will pledge not to use nuclear weapons against most non-nuclear countries –no matter what they use against us- but keep all options on the table for nations like North Korea and Iran".<sup>82</sup> China is the only Nuclear Weapon State that has promised that it will not be the first to use or threaten to use nuclear weapons against non-nuclear-weapon states or against nuclear-weapon-free zones (NWFZ).<sup>83</sup> As a nuclear-weapon state, China also supports and participates in the international non-nuclear proliferation efforts, promotes the process of nuclear disarmament and works hard for the realization of the final goal of the complete prohibition and thorough destruction of nuclear weapons worldwide, which is desired by NPT.<sup>84</sup>

### **Belt and Road Initiative (BRI)**

More than two thousand years ago, the Eurasian people developed a road for trading and carrying out cultural exchanges, which earned the name the Silk Road from generations that followed. In the twenty first century, it is evident that the peoples of the world are likely to re-establish the road under Chinese leadership. The Belt and Road Initiative (BRI) was raised by Chairman Xi to build the Silk Road Economic Belt, which has attracted close attention from all over the world. The Chinese government set the purposes of the BRI in the Action Plan on the Belt and Road Initiative (*Action Plan*) as;

<sup>80</sup> Boutros-Ghali, Boutros, 'Five Principles and the United Nations', in "On the Five Principles of Peaceful Coexistence, World Affairs Press, (2004), pp. 342-349.

<sup>81</sup> Id.

<sup>82</sup> Fox News, April 6, 2010.

<sup>83</sup> The 2011 White Paper.

<sup>84</sup> See China's 1998 White Paper on Defense.



*“to promote the connectivity of Asian, European and African continents and their adjacent seas, establish and strengthen partnerships among the countries along the Belt and Road, set up all-dimensional, multitier and composite connectivity networks, and realize diversified, independent, balanced and sustainable development in these countries.”<sup>85</sup> (National Development and Reform Commission, 2015)*

China gained endorsements rapidly from the countries along the routes and founded many projects.<sup>86</sup> To fulfill the aims of the BRI, countries involved need to develop utmost friendly relations and agree to a developed method of settlement of disputes. In line with the peaceful development coupled with benefits of the past lessons and experiences, China contributes to the development of international law through championing the BRI objectives to improve the current system of bilateral and multilateral relations. The BRI is largely expected to change the unequal investment situation under the traditional OECD framework. Evidently, fruits are already being borne. For instance, the infrastructure of One Belt One Road (OBOR) resulted from strategic efforts and diplomatic visits of country heads along the route and, the OBOR considers people-to-people bonds together with the facility connectivity and high-level policy coordination.<sup>87</sup>

Correspondingly, the Action Plan also expresses its commitments towards contemporary international law and its harmony with the *UN Charter*:

*“The Belt and Road Initiative is in line with the purposes and principles of the UN Charter. It upholds the Five Principles of Peaceful Coexistence: mutual respect for each other’s sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence.”*

### **Asian Infrastructure Investment Bank**

The Asian Infrastructure Investment Bank (AIIB) is a multilateral development bank established upon the lessons and experiences of currently operating multilateral banks.<sup>88</sup> Its purposes are to (i) *foster sustainable economic development, create wealth and improve infrastructure connectivity in Asia by investing in infrastructure and other productive sectors; and (ii) promote regional cooperation and partnership in addressing development challenges by working in close collaboration with other*

<sup>85</sup> Action plan on the Belt and Road Initiative, [http://english.gov.cn/archive/publications/2015/03/30/content\\_281475080249035.htm](http://english.gov.cn/archive/publications/2015/03/30/content_281475080249035.htm), accessed on 06 August, 2018), issued by the National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce of the People’s Republic of China, with State Council authorization, on March 28, 2015.

<sup>86</sup> Xu, Yanzhou, “Win-Win Cooperation along the Belt and Road”, China Today, Vol. 65, No. 9, (September 2016).

<sup>87</sup> Id.

<sup>88</sup> [www.aiib.org](http://www.aiib.org)

*multilateral and bilateral development institutions.*<sup>89</sup> Chairman Xi and Premier Li announced its initiative during their respective visit to the Southeast Asian countries in 2013.<sup>90</sup>

While the AIIB benefits from experiences and lessons acquired from already established multilateral banks, it introduced new policies and practices, which are a platform to contribute to international economic law.

### **Training Highly Qualified Publicists**

The ICJ Statute considers teachings of the most highly qualified publicists of various nations as a subsidiary means for the determination of rules of law. Therefore, training highly qualified publicists is one of the ways of contributing to the development of international law. To this end and for the purpose of providing highest-level education to individuals who are particularly sensitive to the development and use of international law, Xiamen Academy of International Law located in the hauntingly beautiful city of Xiamen, China, was established after the first meeting of the Curatorium held in the Peace Palace, The Hague, in July 2005.<sup>91</sup> Xiamen Academy has successfully held five summer programs ever since 2006 training young lecturers in international law, diplomats, practitioners of law, government officials in charge of foreign affairs, and officials in international organizations. In these summer programs, Xiamen Academy has invited many world-renowned professors, ICJ judges and experts to give excellent lectures on various topics of international law. And a significant number of participants from around 40 countries and regions who have joined the eleven summer programs to meet the mission of the academy which are ‘promoting academic exchanges among legal communities across the globe, encouraging examination of major international issues, and by so doing seeking ways to improve the possibilities for world peace and international cooperation’. Apart from training highly qualified publicists, Chinese publicists are directly contributing to the development of international law.

### **The Declaration of the People’s Republic of China and the Russian Federation on the Promotion of International Law**

On 25 June 2016, the Presidents of Russia and China adopted a common Declaration on the Promotion of International Law.<sup>92</sup> China and Russia accepted the principles of international law, friendly relation and cooperation among the states as desired by the *UN Charter*.<sup>93</sup> Upon adopting the Declaration, China and Russia shared the view that the principle of sovereign equality is crucial for the stability of international relations.

<sup>89</sup> Art. 1, Articles of Agreement, AIIB.

<sup>90</sup> <http://www.aiib.org/html/aboutus/introduction/history/?show=0>, (visited on September 20, 2013).

<sup>91</sup>

<http://www.xiamenacademy.org/aboutus.aspx?BaseInfoCatId=75&CatId=75&CurrCatId=75&showCatId=75> (visited on September 20, 2016).

<sup>92</sup> The text of the declaration is available at

<[http://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/2649\\_665393/t1386141.shtml](http://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1386141.shtml)>, (visited on November 25, 2016).

<sup>93</sup> Para 1.

That is, states enjoy their rights on the basis of independence and on an equal footing, and assume their obligations and responsibilities on the basis of mutual respect.<sup>94</sup> Prohibition of threat and use of force as well as unilateral military interventions were re-admitted by China.<sup>95</sup> The Principle of non-intervention in the internal or external affairs of states is supported by China and extraterritorial application of national law by States not in conformity with international law is condemned.<sup>96</sup> Regarding application of good faith, the Declaration states;

*“good faith implementation of generally recognized principles and rules of international law excludes the practice of double standards or imposition by some States of their will on other States, and consider that imposition of unilateral coercive measures not based on international law, also known as “unilateral sanctions”, is an example of such practice. The adoption of unilateral coercive measures by States in addition to measures adopted by the United Nations Security Council can defeat the objects and purposes of measures imposed by the Security Council, and undermine their integrity and effectiveness.”*<sup>97</sup>

The Declaration also commits China to take collective action against terrorism.<sup>98</sup> Although the Declaration is a bilateral one, however, it was concluded between two major players in international law and international community, hence it could have great influence on development of international law and its interpretations.

## CONCLUSION

In this article, the cultural basis and various concepts of peace were examined in Chinese history and philosophy. Historically, China’s legal system is flexible to adapt itself with the global changes and its philosophy is based on peace rather than war. China’s peaceful development and its aspects were defined as per the 2011 *White Paper*, which informed findings and opinions offered in this paper. The consensus drawn from major documents and sources of international law regarding various aspects of China’s peaceful development such as openness, commonness and peacefulness, together with its comparative study, is that China’s peaceful development is in harmony with international law and the purposes of the *UN Charter*. The harmony is found in aspects such as the Millennium Declaration, international human rights, protection of environment, combating global challenges such as climate change, spread of WMDs and terrorism. It can be concluded that since China’s peaceful development is in harmony with international law, it is able to contribute to international law and develop international law through theory and practice. As a result, China’s peaceful

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<sup>94</sup> Para 2.

<sup>95</sup> Para. 3.

<sup>96</sup> Para. 4.

<sup>97</sup> Para. 6.

<sup>98</sup> Para. 7.

development has had tangible contributions to development of international law in various ways as discussed in Chapter four.

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### **Biographic Notes**

**Maziyar Shokrani** is an adjunct faculty and a researcher at Guanghua Law School of Zhejiang University. He pursued his Ph.D. program in International Law at Xiamen University and LL.M. in Chinese Law at Zhejiang University. He served as a lecturer at Islamic Azad University and an intern at UNRCPD. His research interest includes, international law, nuclear law, law of arms control, and law of international organizations.

**Mmoloki Gabatlhaolwe** is an independent researcher of Contemporary China issues, international politics and Africa-China relations based in Gaborone Botswana. He has previously taught English at Xiamen University of Technology. He did his Ph.D. in Political Theory and LL.M in International Relations at Xiamen University, China. He has over 6 publications and presented papers at international conferences.

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