

International Law and Major-Power Diplomacy with Chinese Characteristics

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As a responsible major country, China has been holding high the banner of international law, respecting international rules, fulfilling its international obligations, safeguarding the established international order, and making its unique contributions to law-based international relations. Meanwhile, it is well understood that international institutions and norms, founded on universally accepted international law, have created a relatively stable external environment that facilitates China's peaceful development. As the international geopolitical landscape continues to evolve in an increasingly complex and profound fashion, without a concerted effort to buttress established international law, it would be impossible for China to conduct its major-country diplomacy with national characteristics, foster a new type of international relations and build a community with a shared future for mankind. Therefore, under the guidance of Xi Jinping Diplomatic Thought, it represents a major topic of research both now and for a long time to come, to find out how China will adhere to global identity while giving full play to the role of international law.

A Steadfast Supporter and Active Builder of International Law

Law serves as the yardstick for all under heaven. General Secretary Xi Jinping has stressed the role of international law in global governance to

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ensure that international rules are effectively followed and practiced,¹ and urged all parties to abide by international law and well-recognized basic principles governing international relations and use widely applicable rules to tell right from wrong and pursue peace and development.² From the basic national condition that it is a developing major country in the primary stage of socialism, China has consistently advocated respect for and adherence to widely accepted, equitable and reasonable international rules, and sought to study and address the problems in foreign-related legal practices. China has not only enriched the theory and practices of international law with its own characteristics through its continued integration into the international arena, but has also made significant contributions to the development of contemporary international law.³

Adhering to jointly formulated international rules

The fundamental principles of international law and the general norms governing international relations complement each other, with the international order established and maintained by international law. A series of well-recognized principles for conducting international relations, which are enshrined in international law, have led to the founding and maintenance of a fair and reasonable international order. China has consistently held high the banner of international law, advocated and practiced the Five Principles of Peaceful Coexistence, adhered to the international legal system with the United Nations Charter's objectives and principles at the core, unswervingly supported multilateralism, and actively fulfilled its international responsibilities. China has become a recognized builder of world peace, a contributor to global development, and a defender of international order.⁴

1 *Xi Jinping: The Governance of China*, Vol.2, Foreign Languages Press, 2017, p.527.

2 Xi Jinping, "Carry Forward the Five Principles of Peaceful Coexistence to Build a Better World through Win-Win Cooperation — Address at Meeting Marking the 60th Anniversary of the Initiation of the Five Principles of Peaceful Coexistence," *People's Daily*, June 29, 2014, p.2.

3 "Yang Jiechi Attends Work Symposium on International Law Marking the 40th Anniversary of Reform and Opening Up," Ministry of Foreign Affairs of China, December 28, 2018, https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1626488.shtml.

4 *Ibid.*

Insisting on rules-based governance, China has been both participant and defender of numerous international treaties and mechanisms. Since the start of reform and opening-up, the last 40 years has witnessed a China that participates extensively in almost all major international organizations, while being a signatory to over 500 international treaties. Moreover, China overwhelmingly supports building platforms for international cooperation that cover a wide range of issue areas based on international treaties and multilateral institutional frameworks. With an emphasis on the role of rules and systems to coordinate international relations, China contributes to the resolution of geopolitical hotspot issues in a constructive manner. Regardless of external challenges over the years, China has steadfastly safeguarded multilateralism and made continuous efforts to uphold the authority and sanctity of international treaties. Under the guidance of the UN Charter's objectives and principles in interstate relations, China promotes further integration into the world.

China pursues an independent foreign policy of peace in accordance with international law. It calls for respecting national sovereignty and territorial integrity, no interfering in the internal affairs of others, and respecting the right of the people of all countries to choose their own development path. It firmly promotes the democratization of international relations, neither developing itself at the cost of others nor giving up its own legitimate rights and interests. China insists on settling disputes through peaceful dialogue and consultation in accordance with international law, and opposes the distortion of international law or any attempts to violate other countries' due rights and interests and undermine peace and stability in the name of "rule of law." The proper handling of the South China Sea dispute clearly demonstrates that China, taking peace and stability of the South China Sea as its departure point and respecting historical facts, has sought to manage disputes through dialogue while settling them through negotiation and consultation by following the UN Charter and the UN Convention on the Law of the Sea. China strives to make the South China Sea a sea of peace, friendship and cooperation.

Adhering to equal and uniform application of international law

Through its principled commitment to upholding a law-based international order, China has exhibited a marked dedication to achieving fairness and justice in international affairs. “The rule of law is an important achievement of human political civilization and also a basic method of modern social governance.”⁵ “The confrontation and injustice in our world today have emerged, not because the objectives and principles of the UN Charter are outdated, but because they have not been effectively implemented.”⁶ As General Secretary Xi indicated in his speech at the United Nations office at Geneva, “The relevance of law lies in its enforcement. It is thus incumbent on all countries to uphold the authority of the international rule of law, exercise their rights in accordance with law and fulfill their obligations in good faith. The relevance of law also lies in fairness and justice. All countries and international judicial institutions should ensure equal and uniform application of international law and reject double standards and the practice of applying international law in a selective way, thus ensuring genuine equality and justice in the world.”⁷

China has placed equal emphasis on rights and obligations, urging all countries to abide by international law and the basic principles of international relations. International law is a set of rules agreed upon by the international community rather than any one country’s domestic law. All countries should jointly uphold the authority and sanctity of international law, and not evade their international responsibilities or undermine peace and stability in the name of international law. Take the governance of international nuclear security as an example. President Xi has stated that “All countries should earnestly fulfill their obligations under international legal

5 “Xi Jinping Attends Opening Ceremony of the 86th Interpol General Assembly and Delivers a Keynote Speech,” Ministry of Foreign Affairs of China, September 26, 2017, <http://www.fmcofprc.gov.hk/eng/Topics/gj/z/t1497779.htm>.

6 Su Changhe, “Fully Understanding New Changes in the World Order,” *People’s Daily*, January 3, 2017, p.7.

7 Xi Jinping, “Work Together to Build a Community of Shared Future for Mankind — Speech at the United Nations Office at Geneva,” Ministry of Foreign Affairs of China, January 18, 2017, <https://www.fmprc.gov.cn/ce/cegv/eng/zywjyh/t1432250.htm>.

instruments relating to nuclear security, fully implement the relevant UN Security Council resolutions, consolidate and strengthen the existing legal framework governing nuclear security, and provide institutional support and universally accepted guidelines for international efforts to enhance nuclear security.”⁸

Promoting the development of international law

A review of history shows that China has effectively contributed to the development of international law and set up a Chinese model in this regard. In the 1950s, China, India and Myanmar jointly initiated the Five Principles of Peaceful Coexistence. “The Five Principles of Peaceful Coexistence give concrete expression to the purposes and principles of the UN Charter and facilitate their implementation ... and have become the basic norms governing international relations as well as basic principles of international law.”⁹ China also creatively proposed the principle of “one country, two systems” and resumed the exercise of sovereignty over Hong Kong and Macao, thus developing international legal theories and practices. Looking to the future, President Xi pointed out that “it is imperative to enhance the standing and role of international law in global governance, ensure effective observance and implementation of international rules, uphold democracy, equity and justice, and build international rule of law.”¹⁰

China has insisted that international rules be formulated by all countries, and promoted the improvement of international law with other developing countries to ensure a fairer and more reasonable international order. First, China urges all countries to “continue to carry forward the purpose and principles of the UN Charter while advancing with the times and advocating global governance concepts featuring joint consultation,

8 “Xi Jinping’s Statement at Nuclear Security Summit in The Hague,” March 25, 2014, http://www.china.org.cn/chinese/2014-03/25/content_31897432.htm.

9 Xi Jinping, “Carry Forward the Five Principles of Peaceful Coexistence to Build a Better World through Win-Win Cooperation — Address at Meeting Marking the 60th Anniversary of the Initiation of the Five Principles of Peaceful Coexistence.”

10 “Full Text of President Xi’s Speech at Opening Ceremony of Paris Climate Summit,” December 1, 2015, http://www.chinadaily.com.cn/world/XiattendsParisclimateconference/2015-12/01/content_22592469.htm.

joint construction and sharing ... build an international relationship that reflects the reality of world multi-polarization and emphasizes more on coordination with rules and systems.”¹¹ Second, China urges developing countries to become more deeply involved in international legislation process related to governance of cyberspace, outer space, sea bed, counter-terrorism, and climate change, which is a necessary requisite to ensure that rights are shared and responsibilities jointly burdened. Furthermore, rules that govern new frontiers such as deep sea, polar regions, outer space and cyberspace should be developed and improved. Third, alongside the international community, China stands willing and ready to create a mutually favorable international environment for development, and provide more advanced concepts and public goods. China will push for governance models that are more balanced and inclusive, continue to deepen market-oriented reforms, protect intellectual property rights, create more attractive environment for investment, and enhance its alignment with international norms.

At present, the world is undergoing profound changes and adjustments, with instability and uncertainty becoming more prominent and geopolitical issues getting more complicated and sensitive. The order of global governance is being disrupted and impacted. Under such circumstances, developing countries, including China, call for the emergence of international law that can effectively safeguard their interests. On the other hand, the current situation also offers an opportunity for major-country diplomacy with Chinese characteristics to play a greater role in promoting international law.

Functions of International Law in Serving Major-Country Diplomacy with Chinese Characteristics

The institutionalization of the international legal system, which makes it

¹¹ “Xi Jinping Meets with Secretary-General Ban Ki-moon of UN,” July 7, 2016, <http://www.china-embassy.org/eng/zgyw/t1379025.htm>.

more organized and predictable, serves the major-country diplomacy with Chinese characteristics in the new era. International law plays a significant role in terms of safeguarding national interests, consolidating diplomatic achievements, maintaining national identity, and pursuing national goals. It effectively aids China in coordinating domestic and international affairs, safeguarding major national interests, facilitating win-win cooperation, and upholding justice while pursuing shared interests.

Safeguarding national interests

International law is the normative foundation on which the international system is built. Though the implementation of international law mainly relies on horizontal checks and balance among states, with no coercive power from supranational institutions, it is the best means which modern society has developed for ensuring national survival and coping with global challenges. Evolving in the process of human development, it represents the optimal pathway for countries to pursue their common interests. Since the birth of modern international law, symbolized by the signing of the Peace of Westphalia, international law has played a crucial role in safeguarding peace and security, promoting economic ties, and facilitating social and cultural exchanges among diverse nations. Moreover, the international community has gradually come to agree that nation-states must act in accordance with international law, while employing international law to safeguard their own interests and settle disputes with other countries. Without this, the establishment and operation of a rules-based international system is impossible. The relative stability of interstate relations, the high level of economic interdependence, combined with the pervasive notion of avoiding armed conflicts in the current international landscape, have made direct wars between major powers less likely. Contemporary international law has turned from “the law of the jungle” to “the law of interstate consent,”¹² and evolved from the law of coexistence, which merely assured

12 Samantha Besson, “State Consent and Disagreement in International Law-Making,” *Leiden Journal of International Law*, Vol.29, 2016, pp.289-316.

national survival, to that of cooperation for mutual benefits.¹³ In the new era, international law is still the fundamental norm of the international community, and represents an effective means for the pursuit of national interests.

The pursuit of national interests is embodied in the establishment, revision and application of international law. The rise of a great power, as well as the consolidation of its global standing, is facilitated and manifested by international law. For example, in the post-WWII era, the United States played a leading role in the establishment of a series of international rules and the creation of new international organizations, which set benchmark agendas and norms that were then propagated throughout the globe. The rights enshrined in the international law represent a source of legitimacy for countries to safeguard their interests and take due actions, while the obligations therein offer reliable assurance that nations will abide by international norms and act in accordance with law. By specifying states' rights and obligations, international law helps nations pursue their global agendas, which inevitably involves national interests. Therefore, international law is often most favorable for those countries that are powerful or influential enough to shape international rules, dominate international organizations and forge international regimes. Compared with political negotiation and exchange of economic interests, international law enables countries to realize their national interests in a more influential and stable manner. Worthy of note is the fact that while international law may help one nation obtain its interests, this does not necessarily mean that the interests of other countries will be undermined. Win-win cooperation enhances the vitality of international law in a better way.

In short, international law, as a crucial instrument for countries to realize their respective agendas and further influence the world, can serve to safeguard a nation's sovereignty, security and development interests. It ensures political dialogue, catalyzes economic exchange, facilitates experience sharing

13 Liu Zhiyun, "On the Evolution of the Relations between National Interests and International Law," *World Economics and Politics*, No.5, 2014, pp.33-43.

on social systems, and promotes civilizational communication. Therefore, it is a long-term task of Chinese major-country diplomacy to seek for greater institutional discourse in international law, grasp the trend of international norms, and play a leading role in the innovation of international regimes for the sake of common interests with other countries.

Consolidating diplomatic achievements

International law provides sustained stability for diplomatic achievements. First, it helps consolidate those diplomatic gains. Through political consultation, exchange of economic interests and even demonstration of military might, some diplomatic achievements are easy to come by, but they remain volatile and precarious due to dynamic changes in interstate relations. Regime change, policy differences over time, or new challenges in national political and socio-economic development can undo the accomplishments at little cost. Stability can be significantly reinforced if the gains are codified into the rights and obligations in international law, which equips them with legally binding force. Second, the influence and effectiveness of international law has been recognized by the international community, and thus adhered to on most occasions. It is true that the legally binding force of international law is limited; however, unjustifiable violation of international legal principles and obligations would not only incur condemnation and collective sanctions from the international community, but may also lead to rightful counter-actions by other states. For diplomatic gains that have been incorporated into international law, the cost of violation will be high. Third, diplomatic accomplishments that have their places in international law are more enduring. Unless the specific international law expires, countries may safeguard their diplomatic gains and legitimate rights for long. In some cases, diplomatic gains develop into critical pieces of evidence by virtue of international law. For example, the 1943 Cairo Declaration, which confirmed that “all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the Republic of China,” is still a forceful instrument for China to

safeguard its national unity and territorial integrity.

By designating the sphere of power for nation-states and defining the limits of their behavior, international law expands national interests obtained through diplomatic means. Therefore, to consolidate its achievements in major-country diplomacy, China should grasp the existing norms and theories of international law, fully understand the overall structure, general principles and developing trend of international rule of law, and deeply integrate what it learns with diplomatic practices.

Clearing the way for national development

International law can help China win global recognition for its development. The “China speed” that has created the country’s economic miracle, though globally remarkable, has aroused suspicion from other countries, especially Western powers and neighboring states. If China relies solely on diplomacy and puts too much emphasis on national strength and deterrent power, while neglecting the role of international law, its diplomacy may be perceived as being too aggressive, leading to a lack of confidence in and recognition of Chinese innovation of international concepts. In fact, Western countries have never stopping playing up the “China threat” in an attempt to disrupt China’s major-country diplomacy. With an inherent pursuit of fairness and justice and complemented by peaceful means of cooperation such as negotiation and consultation, international law may not only dispel neighboring countries’ misgivings and help them form a positive view about China, it can also serve to unite developing countries to resist unjustifiable provocations of hegemonic powers.

Hence, in its diplomatic work, China should improve its application of international law, fulfill its charge as a responsible major country, and deepen cooperation with others on the basis of international law. Through its contribution of hitherto ignored Chinese wisdom to the international community, China can provide innovative solutions to global issues and embed common values within international law. In so doing will China win recognition and support from more countries and international

organizations, thus creating a favorable environment for Chinese diplomacy.

The theories and notions of international law are in constant flux, and thus ambiguity remains an inherent feature of most legal systems. Looking back on historical experience, to become a world power and play the leading role in global governance, a country must not only possess enough political, economic and military power, but must also manage to skillfully incorporate its diplomatic goals within the framework of international law. Moreover, it should be adept in utilizing international mechanisms for dispute settlement to effectively clear the way for national progress. When the United Kingdom was the world's leading power, it had prominent scholars in international law such as L. F. L. Oppenheim and John Westlake who supported British diplomacy with their theoretical arguments. The United States also turns to international law for endorsement before implementing foreign policies and taking actions abroad. China should put forward its ideas for innovating theories of international law at an appropriate time, embed Chinese solutions into international norms, and employ international law to illustrate the implications of major-country diplomacy with Chinese characteristics, especially such innovative ideas as upholding justice while pursuing shared interests, a new type of international relations, and the community with a shared future for mankind.¹⁴

Accomplishing long-term objectives

The major-country diplomacy with Chinese characteristics aims to foster a new type of international relations and build a community with a shared future for mankind. Since the principles and concepts of international law are consistent with such aims, the practices of international law are conducive to refining and pursuing such goals. The operability of various international norms and mechanisms may help advance the community with a shared future for mankind and a new type of international relations.

On one hand, international law can be helpful for building the

14 He Zhipeng, "Openness, Development and International Law," *Tribune of Political Science and Law*, No.3, 2017, p.18.

community with a shared future for mankind. The combination of “following a path of peaceful development” and “working to build a community with a shared future for mankind” in a chapter title of the report delivered by Xi Jinping at the 19th National Congress of the Communist Party of China (CPC) indicates that peaceful development is the primary condition for building such a community.¹⁵ International law, in effect, is the law of peace and development. The implementation of peaceful development through concrete rights and obligations, which guides actions of all nations and peoples and enhances interdependence among states, are the way to a community with a shared future for mankind. Specifically, public international law serves to safeguard national interests in terms of sovereignty, security and development; private international law regulates legal disputes and applicability in international civil relations; international economic law facilitates the opening-up of national economies and elimination of opaque barriers; international environmental law promotes the balance between human development and ecological sustainability.

On the other hand, international law enhances the operability of building a new type of international relations. Peaceful settlement of disputes, respect of national sovereignty, adherence to fairness and justice, and promotion of win-win cooperation, are all notions firmly embedded within international law and also in alignment with the requirements for building a new type of international relations.¹⁶ Conversely, the new type of international relations could materialize through its application to coordination of international rules. For instance, China and ASEAN countries have been in constant consultation for a code of conduct in the South China Sea; based on rights endowed by the UN Charter, China insists on easing tensions on the Korean Peninsula in a “peaceful, justifiable and

15 Liu Jianfei, “An Analysis of the Basic Framework of China’s Diplomatic Strategy in the New Era,” *World Economics and Politics*, No.2, 2018, p.11.

16 Liu Jianfei, “Forging Cooperation in the New Type of Major-Country Relations,” *Social Sciences in China*, No.10, 2015, pp.189-192.

constructive” manner.¹⁷

Giving Play to the Role of International Law

The major-country diplomacy with Chinese characteristics in the new era advances the building of a community with a shared future for mankind to safeguard world peace and promote common development. It pushes forward the Belt and Road Initiative under the principle of wide consultation, joint contribution and shared benefits. It aims to build a global network of partnerships on the basis of strategic planning for diplomatic layout. And it takes an active part in the reform of the global governance system with a commitment to fairness and justice. International law could safeguard and promote the realization of the above-mentioned goals.

Building a community with a shared future for mankind and a new type of international relations

International law needs to be well employed to help build a community with a shared future for mankind and a new type of international relations. First, China should firmly uphold the established international order and system underpinned by the objectives and principles of the UN Charter, support an open global economy and concomitant multilateral trade regime, safeguard world peace and enhance common development. The norms of peace, development, and win-win cooperation have been embedded in the international legal system, and have been tested by international practices for a long time. Hence, they play an important role in global governance. To build a community with a shared future for mankind and a new type of international relations, the international legal system is in need of improvement, but only on the premise of upholding multilateralism and the existing international

17 Zheng Zeguang, “Major Power Diplomacy with Chinese Characteristics in the New Era,” *China International Studies*, No.3, 2018, pp.13.

order.¹⁸ Second, China should undertake in-depth strategic planning for its diplomatic layout, safeguard its core interests, and employ international law to resist any violation of its sovereignty, security and development interests. Based on the internationally recognized Five Principles of Peaceful Coexistence, China should deepen relations with its neighbors in accordance with the principle of amity, sincerity, mutual benefit and inclusiveness, and work to strengthen solidarity and cooperation with other developing countries guided by the principle of upholding justice while pursuing shared interests, so as to make advances in China's diplomacy on all fronts and promote institutionalized and law-based international relations. Meanwhile, China should stick to its legitimate rights and interests, remaining aware of the dual functions of international law as both an offensive and a defensive instrument. Third, China can contribute to the development of international law in areas like exchanges and mutual learning of experience in law-based governance and environmental protection, for the sake of an open, inclusive, clean, and beautiful world. In fact, international law has been relatively weak in institutional building in this front. To tackle global challenges like climate change, energy conservation and emissions reduction, the rights and obligations of nation-states should be specified in international law, while the principle of "common but differentiated responsibilities" should be followed.

In the context of economic and trade frictions with the United States, it is especially important for China to protect the multilateral trade regime with deft application of international law. China supports necessary reforms of the World Trade Organization (WTO), but rejects individual nations' attempt to undermine the authority of the multilateral trade system in the disguise of so-called new concepts and notions. As General Secretary Xi Jinping noted, "China supports necessary reform of the World Trade Organization, and believes that it is critical to uphold the WTO's core values and fundamental

18 Research team at the Institute of World Politics, China Institutes of Contemporary International Relations, "Major-Country Diplomacy with Chinese Characteristics Steadily Moving Forward," *Contemporary International Relations*, No.1, 2017, pp.11-12.

principles such as openness, inclusiveness and non-discrimination and ensure the development interests and policy space of developing countries. We need to conduct extensive consultation to achieve gradual progress instead of imposing one's position on others.”¹⁹

Notably, though the economic and trade frictions unilaterally waged by the US since 2017 and the subsequent tariffs it imposed on imported Chinese products have undermined relations between the two countries, the international law, specifically the WTO rules in this context, have had a “cooling” effect on the disputes. Though affecting the international rule of law to a certain extent, the US-China trade dispute has not yet led to any fundamental change. China could rightfully employ international law to firmly safeguard its legitimate rights and interests, and react to these affronts in accordance with the law. Meanwhile, it should bear in mind the lofty objective of building a community with a shared future for mankind and a new type of international relations, and try to avoid overall deterioration of the China-US relationship. First, China needs to garner support from more countries and international organizations, by reiterating such principles of international law as respecting sovereignty and *pacta sunt servanda* (agreements must be kept) to justify its own actions. Second, China should well utilize the peaceful consultation mechanisms provided by international law to actively settle economic and trade disputes with the US and avoid escalation of conflicts. In the meantime, drawing lessons from history, China should strive to give some degree of legally binding force to future bilateral agreements and joint declarations between the two countries, thus avoiding the United States’ unilateral violation. Third, it is imperative that China strengthen its underdeveloped capacity concerning the application of international law, especially the WTO rules, to safeguard its legitimate rights. Finally, in accordance with the principles of international law, as well as relevant treaty provisions, China should take due actions against the United States’ illegal behavior.

19 “Full Text of Xi’s Remarks at Session I of G20 Summit in Buenos Aires,” December 1, 2018, http://www.xinhuanet.com/english/2018-12/01/c_137642988.htm.

Participating in global governance reform in accordance with international law

First, China should implement the global governance concept, which features wide consultation, joint contribution and shared benefits, and the principle of fairness and justice through the application of international law. Global governance is in fact institutionalized international cooperation, whereas international law is the crucial guarantor of those cooperative mechanisms. In essence, the process of practicing wide consultation, joint contribution is an approach to implementing fairness and justice, and the crux lies in how to effectively realize them with the help of international law. First, “wide consultation” can be implemented and guaranteed through the principle of sovereign equality enshrined in international law. The premise of wide consultation is founded on the notion that all countries, big or small, strong or weak, rich or poor, should be equal members of the international community. By fully respecting the representativeness and equal say of countries, an international environment featuring sovereign equality can be created to facilitate wide consultation on a sound legal basis. Second, “joint contribution” can be ensured by the international legal principle of common development through cooperation. Due to a concern for national sovereignty, countries, with their respective distinct development features and comparative advantages, may be reluctant to get along for a common cause. However, the principle of common development through cooperation in international law may encourage cooperation and help reduce misgivings among states through concrete legal regulations based on such a principle. The efficacy of joint contribution will be enhanced through equal sharing of development opportunities and appropriate definition of responsibilities. Finally, “shared benefits” can materialize by the rights and obligations specified by international law. As win-win cooperation is also pursued by international law, through the definition of rights and obligations in a fair manner, development outcomes will be shared by all in a predictable and stable way. With rights to encourage countries’ development momentum

and obligations to urge and monitor states' behavior, more importantly, the outcomes of global governance can be shared in an equitable, fair and inclusive way when the rights and obligations of countries are specified. In turn, fair and reasonable "shared benefits" lay the foundation for a new round of "wide consultation" and "joint contribution."

Second, China should help elevate the discourse power of developing countries with the help of international law. The reform of the global governance system cannot proceed without governance rules that are represented by international law, which lays the very foundation of the current international order. As a means of distributing rights and obligations among members of the international community, international law is affected by national power and a country's capacity of law-based governance, but is also closely related to the notion of fairness and justice. Since the existing global governance rules are formulated mostly by Western developed countries without the active awareness of building a community with a shared future for mankind, they tend to favor the interests and reflect the values of developed countries. Therefore, to practice fairness and justice and advance the global governance reform, developing countries should resort to international law to expand their institutional discourse power, while enhancing their institutional building capacity through participation in the creation of bilateral, regional and multilateral rules. Employing international law to reform the global governance system and raising the discourse power of developing countries does not necessarily mean overturning the existing international rules and international order; instead, it entails amendment and innovative development on the basis of adherence to existing rules. As the largest developing country in the world, China has offered such public goods as the Belt and Road Initiative and the Asian Infrastructure Investment Bank (AIIB), which are well recognized by the international community. China will continue playing its part as a responsible major power, helping strengthen the voice of developing countries in international institutions, while guiding the improvement of international law and formation of new rules. In this way, China will help create a stable global governance system

that is fairer and more reasonable.

Releasing the potential of international law and strengthening capacity building

First, the sense of international rule of law should be forged to improve legal work relating to foreign affairs. In today's diplomatic practices, the simultaneous competition over "hard power" and "soft power" among states has been an undeniable fact. With the remarkable growth of China's "hard power" in particular, its "soft power" represented by the influence on and application of international law should develop in tandem. China should attach sufficient importance to the significant position and crucial role of international law in global governance and its functions and potential in major-country diplomacy with Chinese characteristics, and elevate the position of international law in its internal and international imperatives through top-level strategic design. Meanwhile, China should work to publicize and promote the knowledge of international law, and strengthen both diplomatic practitioners and the general public's understanding of international legal principles and norms. With the implementation of the Belt and Road Initiative, China should improve its laws and regulations relating to foreign affairs and strengthen judicial cooperation with other countries. On the basis of safeguarding the existing international system, China can promote the evolution of international rules and enhance its discourse power and influence.

Second, the inherent innovation of international law should be advanced. Specifically, international law should be implemented in a more effective way. Due to its over-reliance on self-restraint and cooperative mechanisms, international law is short of coercive power when it comes to managing international relations. Given this, the institutional building on the enforcement of international law should be accelerated, which may draw on the experience of peaceful trade retaliatory measures in the WTO dispute settlement mechanism. Second, innovation of both the theory and practices of international law should be enhanced. By setting new agendas, promoting joint consultation and establishing institutional examples, the

innovation and reliability of international law could be improved, which would open new horizons for major-country diplomacy with Chinese characteristics. Third, the consistent and holistic nature of international law should be upheld. Given that some “sub-systems” of international law and law-making at bilateral and regional levels have impacted the multilateral system of international law, China should remain true to the original aspiration of building a community with a shared future for mankind and strive to mitigate the negative effects of fragmented international rules. With that purpose in mind, China should on one hand safeguard multilateral rules and support necessary reforms of various multilateral regimes, and on the other take opportunities to push regional legal arrangements in a multilateral direction. Finally, China should work to ensure the unity of theory and practice. The vitality of international law relies on feedback from global practices, and therefore “Chinese characteristics” and “common views of the world” should be coordinated to facilitate the integration of theoretical development with practical needs.

Third, the capacity building in the application of international law should also be strengthened, which is mainly demonstrated by the training of talents in international law. Some theorists and practitioners in the field are neither fully aware of the significance of international law, nor do they profoundly understand the origin and evolution of international law. Hence, they either disregard international law and support “exceptionalism” for major powers, or stick blindly to the textual meaning of provisions in international law. There remains a dearth of diplomatic practitioners, lawyers and experts who can articulate China’s position and safeguard Chinese interests within the framework of international law. Therefore, “we should continue exchanges and consultations on legal work concerning foreign affairs, allow think tanks and experts in international law to play their due role, enhance the training of talents in international law, and strive to push the work of international law to a new level.”²⁰ China can cultivate a team of scholars in international law who

20 “Yang Jiechi Attends Work Symposium on International Law Marking the 40th Anniversary of Reform and Opening Up.”

are patriotic and internationally renowned with high academic achievements to advocate the solution in international law to major-country diplomacy with Chinese characteristics, and train more talents in the field who are both firm in upholding Chinese positions and well-informed of international rules and their application with a global vision.

With the advance of major-country diplomacy with Chinese characteristics, international law will play an even more important role in supporting China's foreign relations. Since international law is in a constant state of evolution with the changes in international politics and economy, China could take its adaptability into use and forge diplomatic proposals into feasible solutions which are both theoretically innovative and applicable to practical situation. By incorporating Chinese diplomatic ideas, international law can serve the major-country diplomacy with Chinese characteristics and help fulfill the Chinese Dream of national renewal.

Conclusion

With historical perspective, strategic thinking, innovative spirit and aspiration as a major country, the Chinese diplomacy in the new era offers an opportunity further release the potential of international law and give full play to its functions. In the future, China will improve capacity building in the field of international law, increase the discourse power of developing countries in the construction of international law, uphold the principle of wide consultation, joint contribution and shared benefits, and play a leading role in the reform of the global governance system. In the process of employing international law to facilitate its major-country diplomacy, China should integrate its own development with that of the world, and combine Chinese people's interests with those of the people around the globe, which will create a favorable external environment for fulfilling the Chinese Dream of national rejuvenation and building a community with a shared future for mankind. 🌍