7 China and mediation

Principles and practice

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Introduction

Article 33 of the UN Charter states that

the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

(United Nations “UN Charter”)

Third-party actions range from fact finding, facilitation, mediation, arbitration, and adjudication to intervention, including use of force.² Mediation is placed in the middle of the above mentioned approaches, with an almost perfect combination of intensity and amiability.

However, long before mediation appeared in the UN Charter as an effective approach to conflict prevention, management, and resolution, China used the approach of Confucius’ “harmony as the instrumentality” to resolve disputes through moral persuasion and consultation rather than coercion. Chinese approaches to mediation diplomacy emphasize Confucian morality in relation to social harmony, moderation, respect for authority, humility, and benevolence, in contrast to the individualistic utilitarian value system of fairness, justice, equality, equity, and autonomy in Western cultures.³

This chapter uses a Confucian lens to elaborate on China’s basic principles of mediation and provide more evidence-based analysis through a case study of China’s mediation in Syria as a means to discuss China’s engagement, limitation, and contribution to mediation. As China is becoming a more important player in international mediation, it is pertinent and necessary to review and generalize the Chinese

approach to mediation, which features in the balance between international responsibility and national interests, and in adherence to the non-interference and non-use of force principle with inclusive and incremental measures.

Categories and effectiveness of mediation

Mediation is categorized into three types. First, *facilitative mediation* sees the mediator structure a process to assist the parties in reaching a mutually agreeable resolution. The mediator does not have any particular interests in either side or leverage to press the outcome of the negotiation; therefore, the mediator will not provide any context to the conflicts but will enable an environment and platform for the parties to negotiate their own solutions to end the conflict. Second, *evaluative mediation* has the mediator make formal or informal recommendations to the parties as to the outcome of the issues (Zumeta). The mediator will practice shuttle diplomacy to separately meet with parties. In addition, the mediator will assist both sides to analyze their costs and benefits of confrontation or a peacefully negotiated agreement. Third, *transformative mediation* sees the mediator possibly utilize “carrots” or “sticks” to ensure recognition of the other side’s requests, preventing neglect of the other’s interests during the mediation process.

UN practice and effectiveness of mediation

With the complexity and intensity of conflicts dramatically increasing in recent years, the most critical cornerstone for the United Nations was the establishment of the Mediation Support Unit (MSU) within the Policy and Mediation Division (PMD) of the UN Department of Political Affairs (DPA) and, within the unit, the creation of the Standby Team of Senior Mediation Advisers (“Mediation Support Overview”).

In relation to the evaluation of effectiveness, MSU published the *UN Guidance for Effective Mediation*, which lists five basic challenges that mediators have to confront as “mission and mandate, impartiality and inclusivity, entry, and consent, strategy, and leverage” (United Nations *United Nations Guidance* 5). These challenges can be translated into three decision-points: the parties are willing to be mediated at the entry level; respect for the mediator and best practices of mediation at the operational level; and consensus at the regional and international levels to facilitate the mediation and increase its rate of success.

Key factors – like preparedness, consent, impartiality, inclusivity, national ownership, coherence, quality peace agreements, international

law, and normative frameworks – all support the effective accomplishment of mediation.⁴ Therefore, effective mediation embodies full preparation and consent from the parties in conflict; the mediator's impartial engagement under a universally accepted international law framework (fundamentally the UN Charter and other relevant resolutions); and inclusion of the relevant conflict parties and wider society to reach quality peace agreements. While, in practice, the knowledge and the impartiality of the mediator, the labor division, and the ultimate outcome of the mediation might be challenged, these relevant factors still need to be further examined.

Basic principles in China's mediation

Beyond the several rounds of Six-Party Talks regarding the Korean Peninsula, China extends offers to mediate conflict in Saudi Arabia and Iran, India and Pakistan over Kashmir, Afghanistan and Pakistan, Djibouti and Eritrea, Myanmar and Bangladesh, and the Persian Gulf states and Qatar. China is driven by the need to protect its economic investments, a desire to raise its international stature, and a recognition of its responsibilities as a rising power. These all create an increasing impetus for China to adapt its long-held principle of non-interference to demonstrate its capability in international conflict resolution. To be more specific, these realities and intentions indicate that China, in most cases, will still adopt facilitative mediation, as China sticks to the non-interference principle. However, given cautious assessment of the impact of conflicts on China's national interests or international prestige, China will choose to adopt evaluative or transformative mediation when necessary. In terms of the strategic goals and fundamental principles China upholds in mediation, we can concentrate on the aspects described in the following sections.

Balance between national interest and international responsibility

In recent years, under President Xi Jinping's vision and guideline of Chinese diplomacy in the new era, the capability and willingness to build a community of shared future for mankind has required more involvement of China in regional and international negotiations and mediation than before.

In terms of protecting China's national interests, mediation will help safeguard national security. In the case of the Korean Peninsula, China's mediation helped stabilize the situation there, and thus permits China

a peaceful environment to sustain its economic development. China's mediation activities have in recent years expanded to the Middle East and African countries. As Xue Li and Zheng Yuwen analyzed it in *The Diplomat*,

In next decade, the prospect of China's relations with Middle Eastern states mainly lies in the potential for economic cooperation. On the one hand, China wants to play a more significant role in security issues in the Middle East, to show its responsibilities and capabilities as a rising power. On the other hand, China also hopes to get economic and cultural profits from its interactions with the Middle East.

(Xue and Zheng)

Compared with the traditional players like the United States and Russia which prefer to play off one side against the other, or regional powers like Egypt, Turkey, and Saudi Arabia with mixed interests on the ground, or the major international organizations like the United Nations or the Arab League with either limited resources or unrealistic ambitions – China, unlike the other players, “carries no religious, political, historical, and colonial baggage, making it an ideal candidate to break the gridlocks in the region's conflicts and to play the role of an ‘honest broker’” (Chaziza). Therefore, China is now striving to balance being an honest broker and mediator in both regional and global conflicts to foster lasting peace and prosperity, and the positive outcome and global stability that China seeks as a rising global power.

Non-interference and non-use of force principle

As early as 2015, Chinese Foreign Minister Wang Yi proposed three principles to address hot issues, namely that

we adhere to the non-intervention principles into the domestic affairs of the other countries instead of imposing the wills to the others; we insist on the objectivity and impartiality instead of seeking the private interests; we uphold the political solution instead of using the force.

(“Wang Yi”)

In academia, there have been several concepts brought forward in this regard, among which Wang Yizhou proposed “creative engagement/intervention”, which underlines three aspects: adherence to

UN authority, diplomatic means, and strength in both hard and soft power. Zhao Huasheng advocates for “constructive intervention” to mediate conflicts, as it is reasonable for China to adhere to the non-intervention principle in countries or conflict zones where there is little vital interest or capability to intervene. Others assert that, given that China has critical concerns, interests, and leverages, China should not hesitate to intervene (Zhao). Chiung-Chiu Huang and Chih-yu Shih put forward “harmonious intervention”, using “a cultural/civilizational approach to explaining the dynamics of interplay between China’s rise and global governance. The key argument [is] that China’s quest for security is more centered on the balance of harmonious relations than national interest”.⁵ Another concept is “deliberative involvement”, which means that China, with or without other countries and international organizations, under the principles of state sovereignty and human rights norms, underlines political and diplomatic means to tackle problems. China should consult with parties, and sometimes mediate between opposing parties in conflict, which will help to protect the human rights of the civilians and realize peace (Li Zhiyong “Norm Contestation”).

In addition, China insists on the non-interference principle in the cognate fields of peacekeeping and the responsibility to protect. As Mordechai Chaziza observes, “China’s mediation diplomacy is part of a carefully devised strategy that suits the country’s non-intervention policy framework” (Chaziza). Though China would have the capability to intervene, it still is not willing to intervene with coercive means or a military approach, but rather is aiming at conflict management instead of conflict resolution. In practice, due to the peaceful and non-confrontational positions China takes, China is sometimes the “only mediator that can bring all the opponents to the negotiating table, as it did in the case of Afghanistan” (Putz).

Inclusive and incremental approach to reinforce mediation

The World Bank states that “Each conflict is unique, rooted in local grievances and resentments. Yet the conflicts that have the greatest risk of escalating to violence tend to play out in arenas where access to power, resources, justice, and security are negotiated.”⁶ That report thus illustrates the necessity to include community structures, traditional leadership, civil society, and private sector to address conflicts more effectively and smoothly. More significantly, the report further proposes three elements to better practice conflict prevention and mediation: national actors; the addressing of grievances through incentives,

including investments and medium- or long-term institutional reforms; and the formation of local–global, governmental–non-governmental, public–private coalitions (World Bank and United Nations 23). In practice, China advocates an incremental approach in the mediation process, emphasizing the critical role of the state actor, investment, and longer-term institutional reforms to ensure comprehensive, long-term solutions. A good example is that China encourages regime improvement rather than regime change. For example, during the seven official visits by Kim Jong-il to Beijing, besides the denuclearization and security issues, itineraries included visits to high-tech corporations and economically prosperous zones. To better engage DPRK (the Democratic People's Republic of Korea) in peace talks, China demonstrates the post-Reform and Opening development of China, as an example for the DPRK. However, China's mediation efforts still have some limitations, and most of the engagement still remains in initial phases, and most likely in the track of facilitative mediation through hosting, convening, and facilitating meetings, rather than more assertively exerting its influence through evaluative mediation or transformative mediation.

The case of China's mediation in Syria

Compared with Western countries, China started to engage in international mediation relatively late and with a limited geographical scope. China's role as a mediator in the ongoing Syria crisis, as well as the other conflicts in the Middle East, has extended Chinese willingness, interests, and mediation capacity in the past decades. Therefore, I shall examine the Syria case to detail Chinese policies and practice as a mediator.

Generally speaking, the conflicts in the Middle East can be categorized into four types: conflict between Middle East countries and extra-regional powers; conflict between individual Middle East countries; conflict within individual Middle East countries; and trans-regional conflicts. China is increasingly involved in the first three types of conflict management. The main implementation mechanisms of China include the special envoy of the Ministry of Foreign Affairs; the maritime escort and peacekeeping units of the Ministry of National Defense; and economic assistance through the Ministry of Commerce. Internationally, the China–Arab States Cooperation Forum, Forum of China–Africa Cooperation, the United Nations, and the other international organizations are the international platforms through which China engages in Middle East conflicts (Sun 79).

In regard to the Syria crisis, China appointed a special envoy and took on a supplementary role to the United Nations as the lead mediator.

China emphasized the political and peaceful means and willingness to collaborate with the other regional powers and organizations to cope with the Syria crisis. As China underlines the balance between national powers and responsibilities to the international community, in the Syria case China was inclined to support the image of a responsible great power as trade between China and Syria only amounted to 1.104 billion USD in 2017 (“Zhongguo tong Xuliya”). The special envoy Xie Xiaoyan has been dedicated to the Syria crisis, with multiple visits to Syria to discuss the ongoing situation with parties from both the government and the opposition. In addition, the special envoy has coordinated with countries with greater stakes in Syria, such as Russia, Egypt, Iran, Saudi Arabia, and Lebanon. As the P5 states of the UN Security Council were in disagreement, Special Envoy Xie exchanged ideas with the UN special envoy to Syria frequently in order to address the crisis. After the US strike on Syria this year, Xie participated in the “International Symposium on the Prospect of a Political Settlement of the Syria Issue” co-hosted by SIIS (Shanghai Institute for International Studies) and SISU (Shanghai International Studies University) from May 13 to May 14, 2018, and proposed again that a peaceful and political settlement is the only reliable approach to tackle the issue.

In the initial days of the Syria crisis, China was criticized heavily for its five vetoes, together with Russia. French UN ambassador François Delattre said the failure by the UN Security Council to act would “send a message of impunity” (“Russia and China”). The vetoes were mostly related to the chemical weapons investigation, sanctions, or accusations against the government – a similar pathway that led to the Iraq war with disastrous consequences for both Iraq and the rest of the world. Moreover, China remains cautious about a “coercive” approach from the UN menu, and regime change is a red line which China could not cross in any similar international interventions. Besides, the initial days of the Syria crisis were framed by the consequence of militarized intervention in Libya, which went beyond the writ of UN Security Council Resolution 1973.

More significantly, if we observe the four-point proposal by China and six-point proposal raised by then-UN Special Envoy Kofi Annan, we can better understand China’s mediation policy in this issue. Under the UN six-point plan, the Syrian government would commit to work with the UN special envoy (and appoint an interlocutor for the purpose) on a Syrian-led inclusive “political process” addressing the legitimate demands of the Syrian people. The regime was required to immediately cease troop movements and the use of heavy weapons in

population centers and begin a pullback of military concentrations in and around them; to permit access to and timely provision of humanitarian assistance to those in need and release prisoners; and to commit to respect freedom of expression and assembly (Hinnebusch and Zartman). On China's side, the four-point plan is as follows:

Firstly, parties in Syria should make every effort to stop fighting and violence, and cooperate actively with the mediation efforts of Brahimi. Secondly, Syria should appoint empowered interlocutors as soon as possible ... so as to end the Syrian crisis at an early date ... the continuity and effectiveness of Syria's governmental institutions must be maintained. Thirdly, the international community should work with greater urgency and responsibility to fully cooperate with and support Brahimi's mediation efforts ..., Mr. Annan's six-point plan and Security Council resolutions. Fourthly, all parties involved should take concrete steps to ease the humanitarian crisis in Syria.

("China Announces")

If we compare these two proposals, both plans emphasized no violence; ceasefire; political negotiation; the contribution by the international community, and humanitarian assistance. As the newly released data indicates, China provides emergency humanitarian assistance through both bilateral and multilateral channels to Syrian refugees, totaling 110 million USD. Besides, China also signed an agreement with Syria for an additional 2.5 million US dollars of assistance in the form of buses and customs scanners ("Xu Waizhang"). Moreover, in May 2017, China launched the first Syria post-war reconstruction conference in Beijing, which differed from the approach of other Western countries that attached political reforms to reconstruction assistance. Compared with the regime change proposal by some countries, China underlined "regime improvement" instead and is actively involved in boosting the economic development of the conflict-affected states.

However, Annan's plan mentioned that political prisoners should be released and freedom of expression and assembly should be respected. China particularly underlined that "the continuity and effectiveness of Syria's governmental institutions must be maintained". Therefore, China's plan mostly echoed Annan's proposal while underlining that no regime change should be radically imposed on Syria, so as to realize the transition peacefully and effectively. In addition, China

would not pressure the Syrian government in regard to the political prisoners and journalists, which would touch the most sensitive nerve of the Syrian government when there still exist different opposition parties, and confrontation and conflicts among these parties are still going on.

Li Guofu, director of the Center for Middle East Studies at the China Institute of International Studies stated,

It is time to use China's advantage to promote the talks. We have good relations with the Syrian government. They trust us. On the other side, we have contacts with the opposition, which also believes China holds an objective stance on the Syrian issue.

(Li Xiaokun, "China Takes On")

Other sources echoed this view: "Should China actually host rare peace talks between the Syrian government and opposition, it would be a big step forward in Beijing's direct involvement in ending the messy conflict".⁷

Besides, along with the deterioration of the situation in Syria, the gradual transformation of Chinese policy in this issue should not be overlooked. In October 2016, China for the first time did not align with Russia to veto the Syria draft resolution, which was proposed by France and Spain to halt the bombing of Aleppo, but abstained after presenting a rival draft that urged a ceasefire but made no mention of barring military flights over the city ("Russia's 12 UN Vetoes"). More significantly, though China vetoed a UN resolution, drafted by Britain, France, and the United States, that would have imposed sanctions on Syria over chemical weapons used in the conflict in February 2017, it abstained in a draft resolution demanding President Bashar al-Assad's government cooperate with an investigation into the deadly suspected chemical attack in the rebel-held town of Khan Sheikhun in April, which marked itself as the second greatest turning point for China's position on the Syrian crisis. To some extent, it demonstrates that China, after prudent thinking, would agree to the investigation, with reservations, in order to recover peace and security in Syria. As Courtney Fung elaborates, "China committed to three diplomatic innovations: casting multiple, successive veto vote; rebranding to delegitimize intervention as 'regime change,' and engaging in norm-shaping of the 'responsibility to protect' regarding the use of force" (Fung 693), all of which reflects China's great concerns about regime change and the use of force.

In the most recently delivered speech by special envoy Xie Xiaoyan, China continued to stress the four-point plan, together with a new element, so as to

continue maintaining communication with all relevant parties; continue supporting the UN's role as the main channel for mediation; continue actively participating in Geneva Peace Talks, the International Syria Support Group and other peace-promotion mechanisms; continue offering assistance within capacity to the Syrian people; support Syria's reconstruction process in proper ways.

(“Special Envoy”)

From his speech, we can see that in addition to the four-point plan, China has started to consider the “reconstruction process” in the new phase, which could be counted as a great leap for China from mediation to peacebuilding and sustaining the peace process.

Unfortunately, on April 13, 2018, the United States, the United Kingdom, and France launched airstrikes against Syria, as the United States sought to punish President Assad for a suspected chemical attack near Damascus. Soon after the attack, Chinese UN Ambassador Ma Zhaoxu emphasized Chinese opposition to the unilateral military action and urged “the parties concerned to refrain from any act that could lead to an escalation of the situation, return to the norms of international law and resolve issues through dialogue and consultation”. In addition, China again stressed that political settlement is the only way to resolve the situation in Syria. In terms of the Chinese contribution, “China is committed to working with the international community to facilitate peace talks, encourage the cessation of hostilities, violence and counter-terrorism, and advance the process for a political settlement, including through the Intra-Syrian talks” (“Statement by Ambassador Ma Zhaoxu”). Therefore, the non-use of force principle remains the threshold and China is strongly against any military actions without a UN authority and mandate.

Conclusion

With Chinese economic, political, and military development, as well as its national interests spreading more widely in the world, China is currently pursuing a more active role in global governance. In this process, China could further enhance its status as a rising great power and meanwhile consolidate its new type of relationship with the other regional

and global powers. As the only developing country in the P5 of the UN Security Council, the attitude and principles China maintains in international intervention will to a great extent shape its future policies in conflict prevention and management. Compared with peace-keeping, which China supports with an increasing scale of personnel and financial contributions, China is cautious about moving forward in other international interventions. Considering mediation demands for resources and leverage, as well as for familiarity with different tools and approaches, China has lacked the motivation and experience to directly participate in mediation before. However, China is incrementally speeding up its involvement in the process, as shown in the Syria crisis. China has, relatively speaking, fewer interests and concerns in Syria, but China has been making great efforts to advocate a leading role for UN mediation as shown through China's veto or abstention behavior. China reserved its veto for its greatest concerns, such as the intervention in domestic political affairs, use of force like airstrikes by the United States and its European allies, and zero-acceptance for regime change.

While China still falls behind in the theory and practice of mediation, it is willing to learn and collaborate with diverse actors, including the conflict parties, regional and global powers, and legitimate regional and international institutions. Maintaining China's fundamental principles of non-intervention and non-use of force, China is currently working on integrating facilitative, evaluative, and transformative measures, to incrementally improve conditions. This approach ensures that mediation is more successful, balancing China's national interests and international responsibilities in the long run.

Notes

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- 2 From the training course materials delivered by Professor Pamela Aall in USIP.

- 3 Li Zhaoxing, "Peace, Development and Cooperation-Banner", adapted from Chaziza.
- 4 For more details about the indicators, please refer to United Nations, *The United Nations Guidance* 4.
- 5 From a review of the book by Samuel S. Kim. For more information on the book, please refer to Huang and Shih.
- 6 "Pathways for Peace Inclusive Approaches to Preventing Violent Conflict: Main Messages and Emerging Policy Directions", e-copy from a World Bank publication the author received as reading materials in a workshop organized by the Quaker United Nations Office (QUNO), the American Friends Service Committee (AFSC), and the Swiss FDFA, p. 19.
- 7 Li Xiaokun, quoting Tokyo-based online magazine, *The Diplomat*.

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