

TOPIC: PRC-Russia Cooperation

Spotlighting PRC's Continued Support to Russia Despite Legal Commitments to Ukraine

BLUF

- Prior to Russia's invasion of Ukraine, PRC committed to respect Ukraine's sovereignty, independence, and territorial integrity and pledged to support Ukraine against external threats.
- Despite legal commitments to Ukraine, PRC has failed to denounce Russia's invasion, stymied UN responses, advanced economic ties with Russia, and routinely conducted combined military operations with Russia.

WHY THIS MATTERS

- PRC's actions violate its legal commitments to Ukraine and the UN; demonstrate disregard for international law; undermine the authority of the United Nations; erode the international rules-based order; and embolden further Russian aggression.

DETAILED DISCUSSION

- Upon Ukraine's nuclear disarmament in 1994, PRC transmitted a statement to the UN General Assembly, which noted that the PRC would never use or threaten nuclear aggression against Ukraine and urged other countries to similarly commit; specified that "disputes and differences should be settled peacefully through consultations on an equal footing"; and explicitly recognized Ukraine's sovereignty, independence, and territorial integrity.ⁱ
- During a visit to Ukraine by former PRC president, Jiang Zemin, in 2001, the two countries signed a Joint Statement, which reconfirmed their burgeoning relationship. PRC again noted its respect for Ukraine's "independence, sovereignty and territory integrity" and "reiterate[d] its commitment of guaranteeing nuclear safety" to Ukraine. Both nations also agreed that the UN is the world's "most universal and authoritative international organization" and provided "assurance of international peace and security."ⁱⁱ
- Following decades of emerging diplomatic and economic ties, PRC and Ukraine signed a *Treaty of Friendship* in 2013, to include several notable legal commitments. For example:ⁱⁱⁱ
 - Art 6: "Neither Contracting Party shall take any action that would prejudice the sovereignty, security or territorial integrity of the other Contracting Party."
 - Art 7: "Once complicated situations emerge...that threaten the peace, sovereignty, unity, or territorial integrity of either contracting party, the contracting parties shall immediately begin discussions to develop countermeasures."
 - Art 8: "will expand cooperation in the United Nations..."
- In a statement accompanying the Treaty, China "pledge[d] unconditionally to not use or threaten to use nuclear weapons" against Ukraine and to provide Ukraine with "corresponding security guarantees" if it were to be invaded using nuclear weapons or threat of nuclear weapons.^{iv}
- Under international law, states are bound to perform, "in good faith," according to the treaties they enter into.^v Further, states are obligated "to refrain from acts which would defeat the object and purpose of a treaty."^{vi}
- Since its 2022 invasion of Ukraine, Russia has repeatedly threatened to use nuclear weapons,^{vii} yet PRC has continuously avoided condemning the invasion of Ukraine and the threatened use of nuclear weapons.
- In addition, PRC has abstained from votes for UN Security Council Resolutions that would hold Russia accountable for its aggression in violation of Art 2, UN Charter.^{viii} The UN Security Council's "primary responsibility" is to maintain "international peace and security."^{ix}

- PRC has continued to develop its military relations with Russia following the invasion of the Ukraine, exemplified by combined maritime and “strategic” aerial bomber patrols alongside Russia.^x
- PRC’s deepening economic ties with Russia have enabled continued Russian aggression and hindered the efforts of other states to deter Russia through sanctions.^{xi}

PROPOSED COUNTER-LAWFARE APPROACH^{xii}

- PRC’s actions violate its legal commitments to Ukraine and the UN; demonstrate disregard for international law; undermine the authority of the United Nations; erode the international rules-based order; and embolden further Russian aggression.
- Despite Russia’s continued blatant violation of the UN Charter and PRC propaganda promoting a “UN-centered international order,”^{xiii} PRC continues to advance military, economic, and diplomatic ties with Russia.
- By blocking UN Security Council action, PRC has effectively abrogated its responsibility as a UN Security Council member and ignored its duty under the UN Charter to maintain international peace and security.
- PRC’s actions are contrary to express commitments made by PRC to Ukraine in a bilateral friendship treaty and in guarantees to the UN regarding Ukraine’s nuclear safety.
- Despite guaranteeing nuclear safety to Ukraine, PRC has not only stood by silent in the face of Russia’s nuclear threats, but has also legitimized Russia’s nuclear capabilities through joint strategic bomber patrols.
- The PRC’s lack of response to Russia’s invasion of Ukraine is incongruent with its supposed respect for sovereignty, independence, territorial integrity, and non-intervention.
- The international community should take note of PRC’s disregard for its security guarantees and treaty obligations and reconsider reliance on similar assurances.

GRAPHICS



ⁱ Permanent Rep. of China to the U.N., Letter dated Dec. 12, 1994 from the Permanent Rep. of China to the U.N. addressed to the Secretary-General, U.N. Doc. A/49/783, Annex (Dec 14, 94).

ⁱⁱ Joint Statement on Strengthening All-around Bilateral Friendly Relations of Cooperation in the 21st Century between the People’s Republic of China and Ukraine, 21 Jul 2021.

ⁱⁱⁱ Treaty of Friendship and Cooperation between the People’s Republic of China and the Ukraine, 5 Dec 13.

^{iv} James T. Areddy, *Under New Scrutiny: China’s Nuclear Pledge to Ukraine*, N.Y. TIMES (Mar. 11, 2022), <https://www.wsj.com/articles/under-new-scrutiny-chinas-nuclear-pledge-to-ukraine-11647007200>.

^v Vienna Convention on the Law of Treaties art. 26, May 23, 1969, 1155 U.N.T.S. 331.

^{vi} *Id.*, at art. 18.

^{vii} Azi Paybarah, *A Kremlin spokesman says Russia could use nuclear weapons if there is ‘an existential threat for our country’*, N.Y. TIMES (Mar. 22, 2022), <https://www.nytimes.com/2022/03/22/world/europe/russia-nuclear-weapons-cnn.html?searchResultPosition=7>; see also, David E. Sanger, et. al., *In Washington, Putin’s Nuclear Threats Stir Growing Alarm*, N.Y. TIMES (Oct. 1, 2022), <https://www.nytimes.com/2022/10/01/world/europe/washington-putin-nuclear-threats.html?searchResultPosition=2>.

^{viii} U.N. SCOR, 77th Sess., 8979th mtg. at U.N. Doc. S/PV.8979 (Feb. 25, 2022), <https://undocs.org/en/S/PV.8979>; U.N. SCOR, 77th Sess., 8983d mtg. at U.N. Doc. S/PV.8983 (Feb. 28, 2022), <https://undocs.org/en/S/PV.8983>; see also S.C. Res. Draft Res. 155, U.N. Doc. S/2022/155 (Feb. 25, 2022), <https://undocs.org/en/S/2022/155>.

^{ix} U.N. Charter art. 24.

^x Press Release, Ministry of National Defense, China, Russia conduct joint aerial strategic patrol (May 24, 2022), http://eng.mod.gov.cn/news/2022-05/24/content_4911446.htm; *Russia says its navy in joint patrols with China in Pacific*, REUTERS (Sep. 14, 2022), <https://www.reuters.com/world/russian-chinese-navies-conduct-joint-patrols-pacific-russian-defence-ministry-2022-09-15/>; *China and Russia conduct joint patrols in Pacific Ocean*, THE JAPAN TIMES (Sep. 15, 2022), <https://www.japantimes.co.jp/news/2022/09/15/asia-pacific/russia-china-pacific-drills/>.

^{xi} U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION, CHINA’S POSITION ON RUSSIA’S INVASION OF UKRAINE, <https://www.uscc.gov/research/chinas-position-russias-invasion-ukraine>.

^{xii} The purpose of this section is to inform and enable actions across the information environment that uphold the rule of law, subject to approval by appropriate authorities.

^{xiii} See e.g. 10 August 2022 Chinese Communist Party White Paper; see also “Summary of Phrases of Concern” by the Language Group.

Additional references:

- <https://www.andrewerickson.com/2022/03/2013-prc-ukraine-treaty-of-friendship-cooperation-joint-communique-signed-by-xi-but-whats-it-worth/>
- <https://www.andrewerickson.com/2022/08/2013-prc-ukraine-treaty-of-friendship-cooperation-joint-communique-russian-ukrainian-chinese-documents-context-timeline/>
- “Foreign Policy Audit: Ukraine-China,” Institute of World Policy (2016) https://sinologist.com.ua/wp-content/uploads/2018/09/Audyt-zovnishnoi-polityky_Ukr_Kytay-eng_inet.pdf (provides a detailed analysis of PRC-Ukraine relations up to and following the invasion/annexation of Crimea)