

STAND BY ME!

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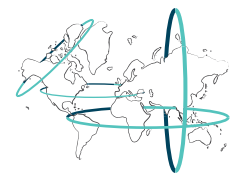
The Sino-Russian Normative Partnership in Action

by

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GEOPOLITICALSERIES

Summary

- › China's and Russia's shared resentment against the West fuels cooperation at bilateral and multilateral levels. It eases and encourages cooperation on international rules and norms of 'proper' state behaviour. The two countries' common action on norms is becoming more coordinated and more assertive and is gathering increasing support internationally.
- › The Covid-19 pandemic is likely to strengthen Sino-Russian normative cooperation: the difficulties being experienced by the US in the fight against the virus and its reluctance to play an active role at multilateral level is perceived in Beijing and Moscow as an additional opportunity to underline the presumed decline of Western powers.
- › The Sino-Russian normative partnership poses three key challenges for the EU: (i) it contests the liberal foundations of current multilateral institutions; (ii) China and Russia often violate existing international norms – even those that they promote; (iii) they challenge the EU and its values through propaganda, disinformation and manipulation.

INTRODUCTION

It has become commonplace to describe the relationship between China and Russia as 'a marriage of convenience',¹ in particular in the aftermath of the annexation of Crimea in 2014. However, this popular metaphor hides very different – even contradictory – interpretations of the nature and future of the relationship. Perhaps depending on one's take on arranged marriages, the deepening relationship between these two states is seen as 'stable and successful'² and 'durable'³ or on the contrary, as a 'mere' convenient arrangement doomed to be a temporary solution.⁴ It seems that fuzzy and often misunderstood marriage allegories bring more confusion than clarity to understanding and explaining complex relations between states. Shared norms and worldview would certainly indicate a steady and long-term arrangement whatever the marriage metaphor used.

The Sino-Russian partnership is dense and multidimensional, and it is rooted in shared norms. International norms – the standard of expected state behaviour – reflect the underlying values of the global system, and underpin international cooperation in the political, economic and security-related fields. Sino-Russian normative cooperation aims at redefining and re-interpreting existing international norms in a way that reflects their shared principles, worldviews and threat perceptions – ‘like-mindedness’ as Chinese official communication refers to it.⁵

Both China and Russia share a conviction that today's international order is unfairly dominated by the US and the West, and that the current international norms and their interpretation reflect Western values that should not be considered universal. They are both convinced that these need to be changed, and that the time is ripe for this. For Beijing and Moscow, a post-Western era of global governance looms on the horizon. This shared reading of the present and prediction for such a future global order has been translated into dynamically evolving normative cooperation between the partners at multilateral level. Two other important and shared convictions are, first, that neither party represents a threat to the other regime's survival (and even has an interest in supporting the other regime) and, second, that the West would like to see the regime in both China and Russia challenged (and under the right circumstances is ready to contribute to this). The shared worldview and threat perception help to smooth out the differences between the two countries: when their interpretations differ, they show mutual self-restraint and acquiesce rather than go against each other in the name of national interest.

This Brief examines the normative dimension of Sino-Russian cooperation – i.e. how the two countries advance their understanding of international rules and norms together in the international arena. It studies how the two countries advance their understanding of appropriate state behaviour internationally in three areas: human rights, non-intervention and cyber-governance. All three issues are united by a common thread – states' sovereignty – a robust version of which both vigorously defend. As a result, in these three areas, their cooperation is particularly strong and proactive.

Russia and China yearn to become norm-setters and norm-interpreters rather than mere norm-takers.

FROM NORM-TAKERS TO NORM-SETTERS

Slowly evolving from the mid-1990s, the Sino-Russian relationship started to take a more dynamic and strategic form after Vladimir Putin returned to the presidency in 2012 and Xi Jinping was appointed Secretary General of the Communist Party of China the same year. In 2012, China and Russia had agreed on a strategic partnership that was to guide their relations for years to come; as the geopolitical constellation around Russia changed and a new leader rose to power in China, the arrangement was upgraded already in 2014 to a ‘comprehensive strategic partnership’, reflected in a new document that was signed by Putin and Xi Jinping. The relationship has been facilitated by apparently good personal chemistry between the leaders – an important factor, as they both control their country's elites and state apparatus.⁶

Reflecting this new dynamism, China's and Russia's policy coordination and collaboration in the field of international law have become more pronounced. As a sign of this, a joint declaration, from June 2016, underscores that the sides will ‘further enhance their cooperation in upholding and promoting international law and in establishing a just and equitable international order based on international law.’ The key line emphasises that all states should have ‘the right to participate in the making of, interpreting and applying international law on an equal footing.’⁷ Russia and China yearn to become norm-setters and norm-interpreters rather than mere norm-takers. In other words, both countries would like to gain more authority and leadership within the existing international system.⁸

This broad goal unites them even if their interpretations of international law occasionally differ. The style and vocabulary used in the pursuit of their goals sometimes diverge, too. The joint declaration reflects these differences: on the one hand, it makes references to ‘win-win cooperation’ and the ‘community of shared future of mankind’ which are typical Chinese official catchphrases; on the other hand it complains about the ‘double standards’ in application of unilateral sanctions, an issue which features strongly on the Russian agenda.⁹ Traditionally, Russia's style is strongly worded and openly anti-Western, whereas China tends to be more evasive and ambiguous. Yet, there are some recent signs that the styles might be becoming more alike. For instance, China has demonstrated remarkable virulence in digital communication since the outbreak of the Covid-19 crisis.¹⁰

The Sino-Russian desire to shape the existing international system has been particularly active in three areas: human rights, norms relating to international security and in cyber governance.

State rights before human rights

China and Russia both hold a relativist and state-centric view of human rights: they insist that each and every sovereign state has the right to interpret international law obligations as they see fit given their historical, cultural and economic setting. Human rights violations should not invoke international action on behalf of the suffering of people – unless the state in question formally requests help from the international community. Their views echo long-standing Soviet and Maoist interpretations of human rights that emphasised the prevalence of collective rights and social and economic rights over individual freedoms.

Russia and China are not content to just defend this outlook, they have become more offensive on the human rights front. Both have explored ways to challenge the existing definition of human rights globally, for instance by organising international forums on related topics, funding research abroad, and by publishing their own human rights and election observation reports on other countries' performance, mirroring established Western practices.¹¹

China has published a report on human rights violations in the US in a tit-for-tat response to US reports highlighting China's violations since 1998. Also, the Russian ministry of foreign affairs publishes reports on the human rights situation in other states on an annual basis as well as *ad hoc* thematic reports (e.g. on rising neo-Nazism in Western states).¹² These reports are then used in internal propaganda and in public diplomacy and strategic communication efforts around the world.

There is – and has been at least since the latter half of the first decade of the 2000s – a high degree of convergence in the Russian and Chinese interpretations of international human rights law and their unilateral practices in advancing their views have been rather similar. However, what has changed over the past few years, is the fact that these views lend themselves to more coordinated approaches and common action between the two countries.

China and Russia have joined forces more frequently in the UN. Both are big diplomatic players and agenda setters at the UN; in fact, China is now the second biggest contributor to the UN budget after the US.

Furthermore, it can rely on its economic leverage, with its investment in developing countries leading, directly or indirectly, to reinforced political support for its positions within the UN in some instances. Russia's role is less significant, but it has a high profile at the UN. It sends its most skilled diplomats to long postings at the UN, allowing them to gather significant know-how and expertise on UN matters; they are known for their mastery of every little technical detail about drafting procedures, and so on. Together, China and Russia form a 'dream team', backed by skills and experience and capable of advancing their relativist interpretation of human rights at the UN thanks to their activism, and the asymmetry of diplomatic capabilities they have managed to create *vis-à-vis* a large number of countries.

In particular since the early 2010s, China's and Russia's coordinated human rights strategy at the UN has been two-pronged. Firstly, China and Russia have sought to undermine the capacity and effectiveness of

the international human rights system and international human rights advocates. They have campaigned to cut budgets and abolish human rights-related posts at the UN in its missions abroad – this work mostly takes place at the UN's budgetary fifth committee. Furthermore, they have blocked NGOs' work at the UN and harassed human rights defenders.¹³

Secondly, and more critically, they have attempted to influence the interpretation of human rights norms,

in particular through the work at the Human Rights Council (UNHRC). The council reports on human rights, launches fact-finding missions and investigative commissions and drafts non-binding resolutions. In its work at the UNHRC, China is advocating a relativist interpretation: it wants to place 'harmony' and right to development over individual rights and political freedoms. Still today, China continues to push for its own human rights definition and approach, hoping that gradually it will become more widely accepted and finally institutionalised. Russia offers help from the sidelines; it lost its place at the UNHRC in 2016 but it is currently campaigning to win the seat back in 2020.

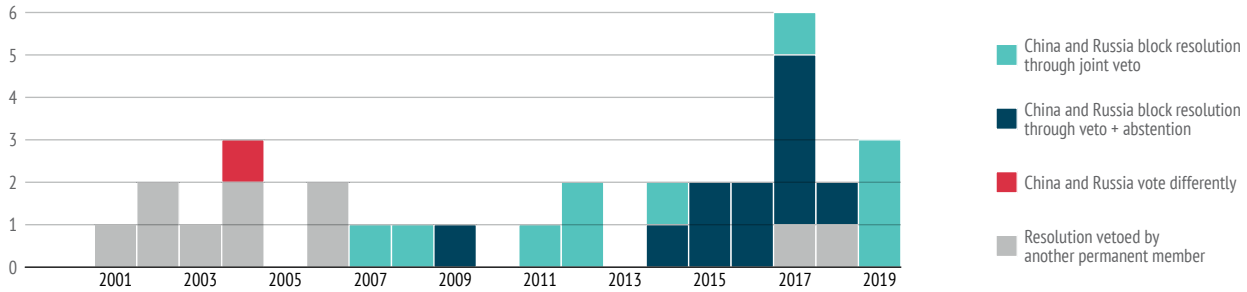
Sovereign right to (non-)interference

Another normative pillar which underpins growing convergence between Moscow and Beijing is the interpretation and implementation of the principle of non-interference – relating primarily to questions of international security. China and Russia advocate a conservative and statist interpretation of

Russia and China in the UN Security Council

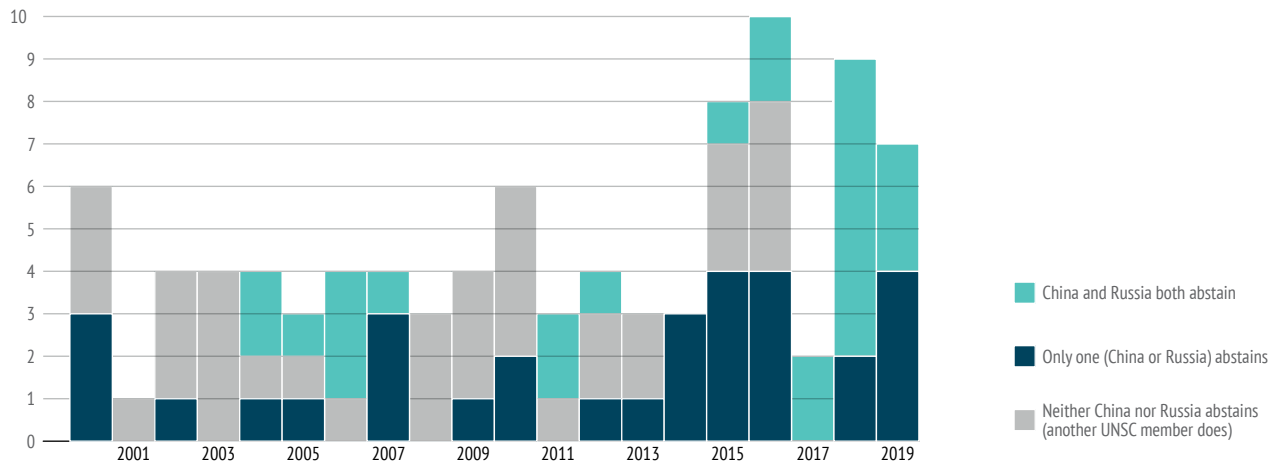
Resolutions vetoed by Russia and/or China, 2000–2019

Since 2007, Russia and China have accounted for the vast majority of vetoes used to block the adoption of resolutions by the UN Security Council, and since 2005, neither has supported any resolution that the other opposed.



Resolutions contested by Russia and/or China, 2000–2019

UNSC resolutions are also contested through abstention votes: in 2017–2019, all such votes by permanent members emanated either from Russia or China.



Data: UN, 2020

non-interference, most actively through their work at the UN Security Council (UNSC). They are united in the conservative approach to Responsibility to Protect (R2P) and against what they call the unilateral application of sanctions. In this area as well, one can see a high degree of convergence of norms between the two states and an increasing and more conscious effort for common action and joint initiatives in the international arena – as the abovementioned 2016 joint declaration on international law testifies. Even in specific cases where interpretation of the norm may differ, they accommodate each other’s policies according to a principle of ‘never against each other.’¹⁴

According to them, international sanctions should always be approved unanimously by the permanent members of the UNSC – in all other cases they are considered unlawful. In practice, this naturally means

that sanctions can never be directed against China or Russia. They both seek to restrict the use of sanctions and often cooperate on the issue.¹⁵ While defending UN-backed sanctions and criticising the unilateral ones, Russia and China have nevertheless also violated the UN-backed sanctions that they have formally agreed to (or abstained from voting on). For instance, Moscow and Beijing have been openly violating sanctions on North Korea.¹⁶ Furthermore, Russia and China are no strangers to economic pressure instruments themselves. They use geoeconomic coercion that is thinly veiled in suddenly discovered ‘sanitary standards’ or ‘lack of clarity in export procedures’ – their practice lacks procedural transparency and normative justification on any level, contrary to EU sanctions, for example.¹⁷

When it comes to R2P, China and Russia put the accent on the first two ‘pillars’ of R2P, namely on states’ responsibility to provide security for their population and on the international community’s responsibility to assist a state in question to provide that protection.¹⁸ Both countries are highly sceptical of political or military interference beyond that, even in extreme cases. On this question, China and Russia have coordinated positions with other BRICS states; they insist that interference in these rare cases should be ‘objective’, all peaceful methods should have been exhausted prior to interference and that a criterion of reasonable prospects for success of an intervention should be met.¹⁹ For instance, Moscow and Beijing criticised Western responses to the crisis in Libya in 2011. Although they both abstained from voting on Resolution 1973 that enabled external action, they later insisted that NATO-launched air strikes went beyond the protection of civilians and brought about the fall of the Gaddafi regime and chaos that then led to the civil war.²⁰

However, Russia’s own track record on non-interference is inconsistent.²¹ Russia has interfered several times both militarily and politically in particular — but not exclusively — in the post-Soviet space and even referred to R2P as a principle when doing so.²² While it opposed Kosovo’s independence in 2008, it recognised the independence of South Ossetia and Abkhazia the same year. Following its unannounced military intervention, it annexed Crimea in 2014 and waged a war in Eastern Ukraine. These contradictions reflect Russia’s belief that ‘true’ sovereignty applies only to powerful states such as the US, China and Russia — and to some extent to middle powers such as UK, France, Brazil and India.²³

Although China is not embracing — at least not so straightforwardly²⁴ — Russia’s revisionist approach to state borders, it has exercised restraint in the case of Ukraine and abstained in a vote at the UNSC. It did not support but did not condemn Russia’s actions either. Russia, for its part, has done the same regarding China’s policies to expand its sovereignty over islands in the South China Sea, and has never condemned or opposed China’s approach towards Hong Kong — including the passing in June 2020 of the wide-ranging new national security law and its strict implementation.

China interpreted Maidan similarly to Russia: the popular uprising was claimed to be a Western plot against the legitimate government in Kiev.²⁵ The same applies to other popular uprisings, for instance in Venezuela, or in various countries in the Middle East and North Africa (MENA); in all cases the ‘Western hostile forces’ (as the official Chinese expression goes) manipulated local forces to promote their interests. When it

comes to domestic protests, China and Russia have demonstrated alignment of coverage and positions, often pointing at presumed interference of Western secret services — for instance, their media outlets backed each other’s position on protests in Moscow and Hong Kong in summer 2019 by portraying them as externally induced.²⁶ These interpretations reflect the shared threat perceptions and worldviews that effectively mitigate their differences.

Cyber bonding

Cyber-governance is another area of convergence between China and Russia. The roots go back to the 2000s, when they set up a bilateral intergovernmental sub-commission on communication and information technology; and led the effort to formulate the regional code for behaviour in cyberspace under the Shanghai Cooperation Organisation (SCO) umbrella. As the Sino-Russian partnership kept progressing, the depth and breadth of bilateral cooperation in the cyber field have significantly scaled up. The two sides further developed a legal framework to ensure information security, shared and emulated each other’s ‘best’ authoritarian practices in the digital space and initiated cooperation projects (5G, cloud computing) between IT companies.²⁷

However, so far the most dynamic field of the Sino-Russian digital partnership has been the two countries’ common actions in formulating norms and practices in governing cyberspace. Although it was Russia who pioneered work since 1998 on cyber norms within the UN, since the 2010s China has increasingly aligned with and backed

Moscow’s efforts. In 2012 Russia rallied the support of China and a few other states to expand the competences of the International Telecommunications Union (ITU) to cover the regulation of the internet. While Moscow and Beijing declaratively supported a multi-stakeholder model of internet governance (which brings together civil society, the private sector and governments), the failed proposals they pushed for in 2012 were shifting the balance in

favour of national governments. For example, it envisioned the transfer of responsibilities for domain name allocation (DNS) from the non-profit organisation the Internet Corporation for Assigned Names and Numbers (ICANN) towards national governments.²⁸

Besides internet governance, Russia and China strived to shape the language related to cybersecurity. Content-wise, joint initiatives in this field demonstrate that for Russia and China, preoccupation with ‘information security’ takes precedence over security

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of the cyber infrastructure. Article 2 of the treaty concluded under the SCO plainly demonstrates the preoccupation of the parties with the cognitive effects of information rather than with disruption risks to digital networks: five out of six outlined threats in the document are framed in terms of information security.²⁹ Based on this document, Moscow and Beijing twice submitted (the last time in 2015) to the UN for consideration an international code of conduct for information security. In essence, it prizes sovereignty in the information space (and governments' capacity to control it) over the free flow of information, which is regarded as a challenge for the stability of both political regimes.

In addition, shaping the language, Russia and China stood behind the proliferation of international formats tasked with developing norms and standards of responsible behaviour in cyberspace. Initially, in 2001, Russia proposed to set up a UN Group of Government Experts (UN GGE), which included a restricted number of states based on equal geographical distribution. From 2004 and until recently, it was one of the main platforms for multilateral discussions in this field. Frustrated over their inability to push a sovereigntist view on information security, Russia and China co-sponsored a resolution approved in 2018, which saw the creation of a parallel institutional and all-inclusive track within the UN, the Open-Ended Working Group (OEWG). Its mandate in many respects overlaps with UN GGE, which may render the norm-making process on cyber issues within the UN less coherent and more competitive in the years to come.³⁰

At a norm-making level, the Sino-Russian partnership made some headway. The main thrust of normative challenge was directed against the Budapest Convention on Cybercrime developed by the Council of Europe and enacted since 2004. Ratified by 64 states worldwide the Convention became not only an important legal instrument for combating cybercrime but also a reference point for digital standards in the field. In 2019 a joint Sino-Russian effort secured a UN resolution which opened the way for drafting an alternative version of the treaty against cybercrime.³¹ Instead of making the fight against cybercrime more effective the Convention may impede the gathering of cyber evidence in criminal cases. Both countries contested the process proposed within the Budapest Convention of cross-border collection of cyber evidence and the role of the states in authorising this process. Although this effort at the UN was initially Russia-led, it was quickly and firmly backed by China. In its criticism Beijing invoked the Convention's infringement of its sovereignty,³² denounced its 'Western-centric' character (developing countries were excluded from its drafting) and complained that it does not provide

solutions to cyberterrorism.³³ It is too soon to judge whether the UN could come up with a new convention and how swiftly. Still, the paradox is that while Russia and China are pushing for a new convention arguably to improve the mechanisms to tackle cybercrime, both have demonstrated an unusually high tolerance for cyber criminal activities originating from their soil as long as these do not target local businesses and do not imperil state interests abroad.³⁴

The Sino-Russian struggle for cyber global governance is so far a mixed bag of defeats and provisional wins. Despite important differences in cyber behaviour,³⁵ the ever-closer Sino-Russian partnership is likely to endure. A bilateral declaration in 2019 on comprehensive partnership and strategic interaction reiterates at the top level both sides' commitment to work together in the fields of internet equal governance and norm-making.³⁶ But it is not the declaration itself which will drive common action in future, but overlapping perceptions about the menace of the free flow of information via the internet and the belief that the West is trying to undermine their regimes domestically. This converging outlook will encourage them to amend internet governance and shift the focus from security of cyber infrastructure towards information security.

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IMPLICATIONS FOR THE EU

China and Russia have evolved from international norm-takers to norm-setters and their coordinated approach in the international arena has evolved from defensive to offensive action. Their state-centric and anti-liberal positions on human rights, non-interference and cyber governance have drawn increasing international support from many states – in particular from emerging economies and developing states. Their success is also partly facilitated by Washington's creeping disengagement from several international organisations and the relative decline of transatlantic cooperation at multilateral level. The Covid-19 pandemic is telling in this sense. After the US decision to withhold payments to the World Health Organisation (WHO), China pledged to top up its contribution. When the US later announced that it would withdraw from the organisation, the relative strength of Russia and China within WHO strengthened, while the transatlantic ties further soured.

Zooming out and looking forward, the challenge that increased Chinese-Russian normative overlap and cooperation poses for the EU is threefold. Firstly, at a macro level it is problematic because the two countries – as the EU acknowledges – 'promote alternative

models of governance' on the global stage and challenge the liberal foundations of current multilateral institutions.³⁷ If successful, this will in the future foster a more hostile international environment in which the EU will have to operate. Secondly, it is problematic because both countries blatantly violate the existing norms (e.g. human rights, protection of minorities) and even the norms and interpretation that they officially promote (e.g. non-interference in internal affairs, UN-approved sanctions). This shallow commitment to the norms injects more unpredictability and may contribute to an increasing role of coercion and force in the international system – the dynamics that the EU strives to offset through multilateral institutions where big and small states altogether can safely navigate and negotiate imperfect but still peaceful solutions. Thirdly, both Russia and China have become increasingly bold in challenging the EU and the values it defends by using propaganda, disinformation and even manipulation – all of which call the EU's own accommodative and preponderantly economically-oriented approach into question.

Furthermore, although both Russia and China aim at revising the current multilateral system rather than getting rid of it altogether, there is a danger that their assertive and confrontational push to seize the moment may lead to a paralysis in future, where the capacity of multilateral institutions to perform their functions is significantly undercut. In the worst-case scenario, this could lead to a deep and long-lasting fragmentation of the global system and resurrection of the 'sphere of influence' logic, which is the antithesis of the founding ideas of the EU.

In order to formulate an effective response, the EU would gain by fully acknowledging China and Russia's normative convergence and coordination at multilateral level. This convergence indicates that there is little chance in the short to mid-term of derailing the relationship from the outside. The bottom line is that their converging views on global governance, perception of the West as a threat to domestic regimes and 'shared understandings of appropriate behaviour' (i.e. normative convergence) internationally and at home push China and Russia closer together and apart from the EU. And while some may flirt with ideas of how to decouple Russia from China, Moscow and Beijing actually expect the other side, the transatlantic allies, to drift further apart.

The EU would also gain by acknowledging the time sensitivity of the global governance restructuring process. Both Russia and China agree that this is the moment to push forward. Russia is in a hurry to convert its restored military might into a greater role on the global stage and while China itself plays a

longer-term game, it believes the window of opportunity to act is here now due to the current 'disarray' of the West.

Hence, rather than attempting to drive a wedge between Russia and China, what seems most important for the EU is to take their normative challenge seriously and proactively to push back, in a variety of multilateral settings, and first and foremost in institutions pertaining to the UN system – in which both countries, and in particular China, are actively promoting alternative norms. However, the EU has few chances of succeeding singlehandedly. To mount an effective defence of multilateralism the EU will need to strengthen (or repair where needed) not only traditional ties with like-minded states, but also reach out and convince those who are tempted to bandwagon with the Sino-Russian normative partnership.

Both Russia and China have become increasingly bold in challenging the EU and the values it defends by using propaganda, disinformation and even manipulation.

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