

Analysis of the Correlation Between the Five Principles of Peaceful Coexistence and the Basic Principles of International Law

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Abstract. Since the signing of the United Nations Charter, international cooperation has become increasingly close. Based on the requirements of the Charter and legal binding force, various countries have worked together to resolve numerous international disputes and contradictions. Under the guidance of Marxist ideology and practical work, China has also put forward the Five Principles of Peaceful Coexistence. Based on this, China has also peacefully resolved multiple disputes with neighboring countries, such as border demarcation issues. In previous studies, scholars have found similarities between the two in many aspects, but differences exist in a few issues. In today's highly complex international situation and the emergence of new challenges, how the two can work together to guide future international work has become one of the hot research topics. This article mainly adopts the methods of literature research and comparative analysis to analyze the relationship between them from the aspects of content consistency, theoretical support, practical application, and contemporary development. Comparison reveals that the two are highly consistent in their goals and concepts, advocating for peaceful coexistence and coordinated development. Therefore, both can play a joint role in international affairs. In addition, compared to the earlier signed United Nations Charter, in today's constantly adjusting international rules, the Five Principles of Peaceful Coexistence can also complement its shortcomings and provide new ideas and directions for improving global governance.

Keywords: Five principles of peaceful coexistence, basic principles of international law, comparative analysis, global governance.

1. Introduction

In 1953, the five Principles of Peaceful Coexistence (in the following text abbreviated as the Principles) were proposed for the first time by China [1, 2]. These elements are interrelated and mutually supportive, forming a theoretical system with rich connotation and rigorous logic. Since then, the Principles of Peaceful Coexistence have been applied to handle thorny issues between China and neighboring countries, as well as China's exchanges with capitalist countries such as the United Kingdom and have been further spread to other countries in the world through the UN

General Assembly. The "basic principles of international law" are guiding concepts running through the system of international law, which are not equivalent to the "general principles of law" recognized by all countries that can be absorbed into international law. Existing research suggests that some legal provisions have a high degree of commonality with the content and purpose of the Principles. The basic goals of both are to promote and maintain world peace, prohibit mutual aggression between countries, and promote international cooperation. For example, the United Nations Charter advocates resolving disputes between countries through peaceful means such as negotiation, mediation, and arbitration [3]. At the same time, the core principles of both advocate for sovereign equality and prohibit the threat of force [4]. From this, it can be seen that promoting the peaceful resolution of international disputes should respect the sovereignty and equality of all parties concerned and their willingness to 'make their own choices'. The main differences between the two lies in their theoretical and empirical sources, normative nature, and attitudes and approaches in practice.

Understanding the similarities and differences between the two can provide clearly and comprehend the game patterns between different civilizations. On this basis, this article systematically sorts out the inherent connections and subtle differences between the Principles and the basic principles of international law in the context of the new era through comparative research, based on existing research. This study aims to provide theoretical references for the practical application of the Principles and international law.

2. Literature review

2.1. Representative embodiment of the principles

Wang Tieya pointed out that the Principles have been continuously improved through long-term international practice on the basis of reaffirming the basic principles of international law and have eventually become an indispensable part of the modern international law system [5]. The five principles are simple, clear and easy to implement, and are a representative embodiment of the basic principles of contemporary international law.

As an important achievement of New China's diplomatic philosophy, the most prominent contribution of the Principle is the systematic integration of core ideas such as sovereignty and territorial integrity, equality and mutual benefit, greatly enriching the content of traditional international law [6]. The Principle advocates peaceful coexistence and mutual respect, especially mentioning respecting the differences between different cultures, mutual benefit, and seeking common development. These core spirits have also been adopted by various international documents, including the United Nations Charter and the Asian African Conference Communiqué.

Through practical research, Wu Zhicheng and Xu Xingao found that after more than 70 years of development, the Principles have changed from China's foreign policy to the basic principles of international relations and international law [7]. Meanwhile, their scope of application has expanded from traditional political and security fields to new fields like cultural exchange, global governance, cyberspace and climate change. The two-way concept of "mutual" and "win-win" has changed the deficiency of traditional international law that only unilaterally emphasizes rights and obligations and added new vitality to the international law system.

2.2. The core connotation of the basic principles of international law

As a textual embodiment of the fundamental principles of international law, this section takes the United Nations Charter as an example to analyze the core connotations of the fundamental principles of international law. According to Wang Tieya's interpretation, in dealing with international disputes, the United Nations Charter advocates peaceful means and mutual respect for sovereignty. This is the core of the fundamental principles of international law, which coincides with the principle [5].

Zhou Gengsheng also pointed out that the principle of sovereignty is the foundation of a country's survival and development, and the basic principles of international law provide solid legal protection for this [8]. It can be seen that the basic principles of international law not only provide guidance to various countries in handling international disputes but also provide legitimate support for safeguarding the sovereignty and integrity of various countries.

It is worth noting that the Charter was signed in 1945, and the world order at that time was very different from the present. Therefore, the basic principles of international law should also keep pace with the times in order to continuously provide a basis for maintaining current world peace. Liu Huawen also pointed out that only by meeting the needs of the times and the situation can the basic principles of international law play an effective role [9]. The Principles that are divorced from reality and ignore the demands of developing countries are difficult to be widely accepted by all countries and cannot maintain the stability of the international order.

2.3. Current research on the correlation between the two

In terms of the research on the relationship between the two, the academic circle has achieved many results from different perspectives. Huang Huikang and Bai Xiaohang confirmed through analysis that the Principles are highly consistent with the basic principles of international law in core content, with almost one-to-one correspondence [6]. The Principles actually provide more specific purpose and guidance for countries when dealing with disputes and are more popular.

However, the traditional international law has the problem of insufficient equality in the economic field. The concept of "mutual benefit" in the Principles just makes up for this deficiency, promoting international law from formal sovereign equality to real all-round equality in politics, economy and security, and providing legal support for the establishment of a new international economic order.

Wang Tieya clearly stated that the Principles and the basic principles of international law can be applied together, complement and strengthen each other, and jointly constitute the basic norms of modern international relations, which are the legal basis for safeguarding world peace and security and promoting international cooperation [5].

From the perspective of China's international law concept, He Zhipeng believed that the close connection between the two can reflect the development process of China's diplomatic philosophy and international law practice, as well as China's contribution to the international rule of law, shifting from passive acceptance to active participation in construction [10].

In general, existing research has built a basic framework for the relationship between the two from theoretical, historical and practical aspects, but there are still some deficiencies: first, the sorting of deep logic and normative relations is not complete; second, the research from the perspectives of changes in the international pattern, transformation of globalization and emerging fields is not in-depth enough; third, there are few practical cases and mechanism analyses, which cannot fully reflect the joint role of the two in practice.

3. Connotation sorting of the five principles of peaceful coexistence and the basic principles of international law

3.1. Legal characteristics of the Principles

The proposal of the Principles is based on the lessons learned by New China in international relations and the mainstream propositions in contemporary international society, and has strong practicality, guidance, equality, and inclusiveness. The legal characteristics of the Principles are mainly threefold: first is the sovereignty supremacy. Secondly, the Principles firmly oppose the bullying of the small by the big and the weak by the strong. Additionally, mutual benefit and win-win, as well as coordinated development is another core proposition. In fact, many international disputes stem from unilateral gains in cooperation. This proposition can effectively reduce conflicts between countries. Lastly, peaceful settlement of disputes, not using or threatening to use force, and advocating the resolution of differences through dialogue and consultation are emphasized. The above characteristics break through the traditional paradigm of power politics and hegemonic logic since modern times, reflect the reasonable demands of developing countries in the international rule of law, and provide a basis for countries with different systems and at different development stages to coexist peacefully and cooperate friendly.

3.2. Connotation and system characteristics of the basic principles of international law

The basic principles of international law take the Charter of the United Nations as the fundamental source and have gone through a long-term development process [11]. From the establishment of the concept of sovereignty in the Peace of Westphalia, to the improvement of the system with the establishment of the United Nations, and then to the continuous enrichment through modern international practice, a complete framework covering all fields of international law has finally been formed.

The basic principles of international law have three main characteristics: first is the universality. This means it is recognized by most countries in the international community. The second characteristics is the fundamentality, which is the premise and foundation of the entire international law system; third, the nature of *jus cogens*, which means all countries cannot be arbitrarily violated by countries through treaties or acts. These characteristics make the basic principles of international law constitute the internationally recognized bottom line of behavior.

4. Analysis of typical cases

4.1. Cases in multilateral diplomacy

UN peacekeeping operations and regional cooperation mechanisms are typical examples of the joint practice of the two principles. UN peacekeeping operations are based on the basic principles of international law in the Charter of the United Nations, and strictly abide by the requirements of sovereign equality, peaceful settlement of disputes, non-interference in internal affairs, etc [12]. These regulations require that peacekeeping operations must remain neutral and not involve internal politics within the host country. Under the guidance of this concept, many successful cases have emerged. For example, the peacekeeping operation in Somalia. Since 2007, the African Union Mission (AMISOM/AUSSOM) has been authorized by the United Nations Security Council and has received logistical and financial support from the United Nations to jointly combat terrorist

organizations. The main achievements include successfully expelling the extremist organization from multiple major cities, including the capital. And recovered strategic locations. At present, large-scale attacks in the capital have become increasingly rare. This reflects the important role of international cooperation in maintaining national peace and humanitarianism. At the same time, the success of cooperation also reflects the application of basic principles of international law in practical issues.

In cooperation mechanisms such as ASEAN, the concepts of sovereign equality, win-win cooperation, non-interference in internal affairs and consensus-based decision-making are not only the embodiment of the basic principles of international law, but also the practical application of the Principles [8]. Guided by the two principles, these mechanisms have promoted in-depth cooperation among countries with different systems and cultures, provided a guarantee for regional stability and development, and proved the vitality of the two principles in contemporary multilateral diplomacy.

4.2. Cases in the settlement of disputes between states

In border negotiations, territorial disputes, maritime rights and interests disputes and other issues between countries, the two principles can cooperate with each other and play a joint role. The delineation of border issues between China and neighboring countries is a model of the combined effect of these two principles [3]. A typical example is the delineation of the China Russia border. The border between China and Russia stretches for over 4300 kilometers. After more than 40 years of negotiations, the two countries finally completed all border demarcation work in 2008, especially successfully resolving the issue of ownership of Heixiazi Island through equal consultation. The whole process does not use force, take unilateral coercive measures, or interfere in the internal affairs of other countries, fully respects the sovereignty and independent choices of all countries, not only abides by the basic principles of international law, but also practices the Principles, providing a feasible way for the world to peacefully settle disputes. In international arbitration and judicial practice, the rules of countries' independent choice of settlement methods, respect for sovereign equality, and rejection of external coercive intervention also reflect the unity and integration of the two principles.

5. Expansion of correlation and practical paths in the context of the new era

5.1. New requirements for the correlation between the two in the transformation of globalization

Globalization, climate change, public health crises, cybersecurity, and terrorism are new challenges facing the international community today. The basic principles of international law focus on sovereignty and political security, which are difficult to fully meet the governance needs of global issues. The concept of "win-win cooperation" emphasized in the Principles precisely makes up for this deficiency. The collaboration between the two has pointed out the direction for the new development of the international situation and the new humanitarian situation.

At present, the international rule system is accelerating its restructuring, and unilateralism and hegemonic acts have impacted the international rule of law, highlighting the important value of the two principles in jointly maintaining the international order. Adhering to the Principles and the basic principles of international law means upholding the UN-centered international system and the international order based on international law and resisting hegemonism and power politics.

5.2. Innovative application of the five principles of peaceful coexistence in the system of international law

In the context of the new era, the practical experience of the Five Principles of Peaceful Coexistence provides many feasible Chinese practices for the implementation of the basic principles of international law.

In the process of restructuring international rules, the two principles show a trend of common development: the basic principles of international law provide an unshakable bottom line for the formulation of global rules, and the Principles provide contemporary concepts and practical plans for the innovation of the international order. Together, they have become the core basis for building a new type of international relations, providing a solid legal guarantee for world peace and development.

6. Conclusion

By consulting authoritative academic literature and adopting the methods of literature research and comparative analysis, this paper systematically discusses the development process, core content, system relationship and contemporary value of the Principles and the basic principles of international law, and draws the following conclusions:

First, the core connotation is highly consistent. The Five Principles of Peaceful Coexistence and the basic principles of international law are basically consistent in concept, goal and content. The former is a more specific, popular and practical expression of the latter, and the latter is the legal basis and institutional support of the former. The two are essentially unified, complementary and mutually reinforcing.

Second, historical development promotes each other. The basic principles of international law provide a theoretical basis and institutional framework for the Principles. With innovative concepts and rich practices, the Principles have promoted the basic principles of international law from the traditional security field to new fields such as economy, culture and global governance, deepened from formal equality to all-round substantive equality, and enriched the content of the modern international law system.

Third, practical applications complement each other. The Principles provide specific practical methods, operational plans and real cases for the basic principles of international law, improving the implementation and applicability of international law; the basic principles of international law provide universal legal protection and international recognition for the Principles making the five principles become the code of conduct universally observed by the international community. The two jointly regulate international relations, safeguard the international order and promote global cooperation.

This article focuses more on the content of documents and past cases. As mentioned earlier, the current international situation is constantly changing, and human society is facing a new round of challenges such as climate change, infectious diseases, and cybersecurity. The effectiveness of applying principles and basic principles of international law in the new situation still needs further examination. Therefore, it is recommended to conduct further analysis and discussion based on new cases.

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