

MONGOLIA AND CHINA: FRIENDSHIP AND FRIENDLY
RELATIONS TREATIES*

(A researcher's analysis)

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After the proclamation of the People's Republic of China (PRC) two major treaties were concluded between Mongolia and the PRC along with a number of other treaties and agreements, namely the Treaty on Friendship and Mutual Assistance between the People's Republic of Mongolia and the People's Republic of China (1960) and the Treaty on Friendly Relations and Cooperation (1994). They can be truly singled out as the major treaties because the basic principles of relations between the two countries have been enshrined in the legally binding instruments.

In this sense the above mentioned treaties are of constitutional character. The other treaties and agreements are based on and stemmed from the provisions of the friendship and friendly relations treaties.

It is well known that treaty is "a solemn formal and mutually binding contractual agreements between two states"¹. Therefore, the above mentioned two major treaties established mutually binding rights and obligations between two independent and sovereign states – Mongolia and the PRC. The two treaties are in written form and, therefore, are

governed by the 1969 Vienna Convention on the Law of Treaties. In 1994 the 1960 Treaty was replaced (renewed) with the Treaty on Friendly Relations and Cooperation. Therefore, the 1994 Treaty together with the 1962 Border Treaty constitutes the fundamental basis of Mongolia's relationship with the People's Republic of China. If we compare the 1960 and 1994 Treaties we can easily find:

- the reflection of situation, when each of the treaties was concluded;
- The difference between the principles upon which the treaties are based.

The provisions of the 1960 and 1994 treaties as referred above reflect the nature and level of relationship between Mongolia and the PRC. When the two states concluded the 1960 Treaty on Friendship and Mutual Assistance they considered each other as brotherly nation belonged to one bloc: they shared, as declared, common values and governed by similar ideology. Both countries declared and followed the path of socialism and the governing principle in their external relations was still the so-called principle of proletarian internationalism. Maybe, the internal understanding of socialism and the above principle was different. It was a period when in the world communist movement had already started a quarrel. Especially, the CPSU and the CCP had entered into bitter competition for ideological dominance in the communist movement. The author is of the opinion that it was one of the reasons why China decided to conclude with Mongolia the 1960 Treaty so that in the ever increasing battle with the Soviet Union Mongolia would be tied by the treaty with China because at the time Mongolia was already a satellite of the Soviet Union. As wrote an American research analyst Elizabeth E.Green in 1986, Zhou Enlai came to Ulaanbaatar to sign the 1960 Friendship treaty and at the same time "he tried to persuade Mongolia to be "independent" (or pro-Chinese) like Albania"². The author believes also that the signing of the treaty by Beijing could be interpreted as an attempt to enlarge its sphere of influence among the developing countries, as well as among the world communist movement. Such a conclusion stems from the fact that the second half of 1960s had witnessed the open split in the world communist movement because of the ideological struggle be-

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¹ Chas. W.Freeman, Jr. The Diplomat's Dictionary., 1997, p.294

² Asian survey, vol.XXVI,no.12,1986, p.1348

tween the CPSU and CCP.

Exactly in 1960 Peking demonstrated its good will and friendship with African continent by sending high-level delegation led by Zhou Enlai to an almost dozen countries and by declaring "eight principles" of assisting developing countries.

Another reason of concluding by Peking of the treaty may be its geopolitical interest to keep Mongolia within orbit of China to the detriment of the USSR's interest.

The perembular part of the Treaty has contained a number of principles such as the mutual respect for state sovereignty, territorial integrity, non-interference into internal affairs, equality and mutual advantage. But those principles have not been enshrined in the operative or main part of the Treaty. On the basis of the above – made superficial analysis one may conclude that the operative part of the treaty does not contain any reference to basic principles governing relationship between states. However, the 1969 Vienna convention on the Law of Treaties does not differentiate the perembular and operative articles of a treaty in its definition of the word "treaty" as a legally binding instrument. Therefore, the author has no intention to minimize in any respect the supreme importance of the 1960 Treaty Friendship and Mutual Assistance between Mongolia and the People's Republic of China. Indeed, the important role which the treaty had played in the development of friendship and cooperation between the two neighbors has been emphasized in the 1994 Treaty on Friendly Relations and Cooperation.

Internationally at that time two-polar system dominated and the Cold War was at its height. I suggest firmly that it had also prompted the socialist countries to be tied with each other by such friendship treaties.

As to the 1994 Treaty it was concluded in a changed international and domestic situations:

Speaking on the international situation we can mention, *inter alia*, the following:

- Collapse of the Soviet Union and emergence of many new states;
- End of the Cold War;
- Emergence of multipolar system in international relations,

Domestically:

1. Mongolia: This country has gone through tremendous changes. I try to remunerate a few of them, but not intending to give a full picture.

They include among others:

- abolition of its satellite status and pursuance of independent policies in internal and external affairs;
- embarkation on the road of Democracy and a market economy;
- adoption of first-ever genuine Democratic Constitution (1992);
- creation of multi-party system;
- Adoption in 1994 of the Concept of Foreign Policy which states that defence of national interest shall be the priority of Mongolia's foreign policy. In this document it was clearly declared that relations with China and Russia shall be of first priority direction. The Concept of Security of Mongolia was also adopted by the State Great Khural (Parliament);
- Referring to Mongolia's relations with the USA, Japan and other powerful nations the Concept of Foreign Policy put forward an idea of regarding them as Mongolia's "third neighbours"
- Withdrawal of Soviet troops stationed earlier in Mongolia. Stationing of Soviet troops had long been declared by the People's Republic of China as the main obstacle in the way to normalize relations with Mongolia
- Adoption of a policy that Mongolia will aim at renovation and restructuring of its relations with neighbours and ex-socialist countries reflecting the newly emerging situation. It included re-negotiation of old treaties and agreements.

All these mean that fundamental change has taken place in

although scholars differ at least in definition.

- Spread of Democratic ideas and market-oriented economic strategies almost all over the world including especially the ex-socialist States;
- Emergence of a world situation in which countries of the world with different chosen path of the development started freely made approachment with each other.

2. China (People's Republic of)

(Webster) 2. Principles:

The 1960 Treaty was based on the so-called principle of Proletarian internationalism. The principles of mutual respect of State sovereignty and territorial integrity, non-interference in internal affairs, equality and mutual assistance were also included in the treaty. You

In the middle of the 1990s China has been successfully implementing its policy of "socialist modernization", building of "socialism with Chinese characteristics" and "open economic policy" (Deng Xiaoping's theory).

That's why China needs in peaceful surroundings. It normalized or improved its relations with neighbours leaving aside disputes including territorial claims. In case of Mongolia it seems that China attempts to extend its influence up on the former because Russia has weakened loosing its status of being a superpower and its relations with Mongolia have encountered with some small or big problems.

Up to the beginning of 1994 China had never accepted Mongolia's suggestion to conclude a new treaty on friendly relations and cooperation reflecting the new realities of international life and domestic situations in both countries.

However, in the first months of 1994 China became flexible and in principle agreed to draft and sign such a new treaty during the visit of then Premier Li Peng to Mongolia (end of April 1994). I think it was a far-reaching strategic and geopolitical decision taken by Chinese leadership.

Until now I tried to share with readers my thoughts about the circumstances under which the two treaties were concluded and the motivation of both sides to sign these legally binding documents.

These are several significant differences in content and principles enshrined in both treaties. Some examples:

1. Different meaning of titles:

"Friendship" means, according to dictionaries, "being friends; the feeling or relationship that exists between friends" (Oxford), "the state of being friends" (Webster's New World Dictionary).

However the words "friendly relations" have a modified meaning: "Acting, or ready to act, as a friend; showing or expressing kindness" (Oxford); "Like, characteristics of, or suitable for a friend, friends or friendship".

can easily notice that there is no reference to such key word as independence.

The 1994 Treaty is based on different principles: among them I would single out the principle of mutual respect of each other's independence. After long negotiation we persuaded the Chinese side to accept the important principle of respecting independence. There is no more reference to proletarian internationalism. The principles of sovereignty and of non-attack to each other, non-interference in internal affairs, equality, mutual benefit and peaceful co-existence have been enshrined in the Treaty. All the above principles have been included in article I of the operative paragraph.

- The fourth article of the 1994 Treaty says: "The Parties shall not participate in any military and political alliance directed against each other; shall not conclude with third party any treaty or agreement to the detriment of the other party's state sovereignty and security; shall not allow to use by third party of its territory to the detriment of the other side's sovereignty and security". (unofficial translation by the author)

Finally, the 1960 Treaty referred to mutual assistance while the latest one referred to long term political, economic, scientific cooperation.

In my opinion, the only almost coinciding article in both treaties is that both treaty contains article about mutual consultation on questions of mutual interest.

To conclude I wish to make the following few observations:

First. The 1994 Treaty is much more meaningful than the early one and is generally in agreement with the Mongolian national interest. Important is that China for the first time agreed to enshrine the principle of respecting independence in the legally binding document signed by the two countries.

Second. The 1994 Treaty together with the 1962 Border Treaty constitutes the fundamental basis for the relationship between Mongolia and China. They once again prove that Mongolia is an independent and truly separate Sovereign State.

Third. My superficial analysis shows that when a country's geopolitical situation has changed it seeks to conclude new treaties and agreements especially with neighbours.

We must remember every time the golden words expressed by Napoleon.³ that "Treaties are observed as long as they are in harmony with interests".³

Fourth. Although we have good legally binding documents we should very vigilant in our relations with China and attentively follow changes in its strategic and geopolitical orientations. An American Prof. Harry Hardin expressed an opinion that "looking ahead, China could begin to develop more extensive interests as its power grows ... It could assert the right to intervene in ... Mongolia ... to maintain security on its border.

... China could even re-establish a territorial claim to Mongolia, declaring it to be a part of China ...".⁴ In "the Transformation of security in the Asia Pacific region" (Ed. By Desmond ball, Frank Cass, London, 1996).

Maybe it sounds too distrustful and suspicious. However, early warning is better than demands us to make careful steps in our relations.

Finally I should emphasize that after the normalization of relationship between Mongolia and China in the 1990s the relations in various fields have rapidly developed and frequent exchange of visits by highest ranking state and Government leaders has become one of the characteristics of the two countries' relations.

The 1994 treaty, 1962 Border treaty and other concluded agreements, including Agreement On Transit through the Territory of China, Agreement on Economic cooperation, etc. have become a very solid fundament for expanding all-round cooperation between Mongolia and China. There are no big unsolved questions between our two States.

We want China to be relatively stable, non-aggressive and developed, but hope that Mackinders "Yellow Peril" in its all aspects will not happen. I think that such a development – only that one – could bring to China unbelievable achievements and its prestige and world role will grow from year to year.

Well-known French novelist Stendhal (Henry Beyle) once wrote that "Neighbors: every power has an interest in seeing its neighbors in a state of weakness and decadence". However, Mongols want China to be prosperous, peaceful and stable. Peace, independence, cooperation are our Motto! For immediate neighbors, as Winston Churchill said "To jaw – jaw is always better than to war - war".⁵ It seems that today's Chinese foreign policy is basically based on that dictum.

³ The Diplomat's Dictionary by Chas W.Freeman,J, 1997, p.7

⁴ "Chinese Colossus"