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China and the Ukrainian Crisis

Abstract

The recent developments in Ukraine commonly known as the Ukrainian Crisis have shaken the public opinion and the media worldwide by putting into question the very foundations of post-Cold War period of relative peace in Europe. The crisis revealed the (in)ability of the major political powers to adequately react for such unexpected scenarios. This article assesses Chinese reaction to Crimea's independence and its later incorporation into Russia by examining China's political and economic interests. Thanks to comparisons drawn to Beijing's standpoint on two recent cases of proclamations of independence the key factors of China's policy are revealed, the most important being the principle of non-interference. The Author believes that due to globalization and increasing influence on the international level the foundations of foreign policy of China will soon be challenged.

Keywords: Chinese foreign policy, Ukrainian crisis, International Law, Crimea

1. Introduction

In winter 2013 Ukraine became a scene of political unrest widely covered by Polish and world media. With the Yanukovich escape to Russia the initial protests and turmoil turned into a matter of international politics. Several main players were active on this political chessboard: The European Union (epitomized by Germany while France and the United Kingdom remained neutral to most extent), the United States of America and Russia: the main troublemaker as seen in the West.

However, most of initial studies tend to underestimate the role of yet another emerging superpower – China. Chinese involvement, though much more discreet and cautious, attracted attention in both Moscow and Washington. Notably, both sides of the conflict (Russia vs. the West plus Ukraine) announced that China took their side in the struggle over Crimea. The mere (premature) triumphant rhetoric that both parties appealed to shows the importance of Chinese support.

The issue brought up with this paper is very recent therefore there is virtually no scientific literature to cover it. The author refers to online newspapers, interviews and press releases as the main sources of information. As the title itself implies, the main focus of this article will be China's reaction to recent developments in Crimea. The overall view over the Ukrainian protests and recent shift of power are outside the scope of this paper, however to a limited extent they will be referred to as long as they provide a valuable background.

2. Key terms and definitions

In order to maintain scientific character of this article and avoid controversy over definitions it is essential to clearly define terms used hereafter. The crucial concepts of this paper are diplomatic recognition, secession and incorporation.

As a matter of fact, diplomatic recognition refers to wider spectrum of events than to recognition of independence alone¹. Nevertheless for the purpose of this article a narrow definition will be

¹ Talmon, Stephan, *Recognition of Governments in International Law: With Particular Reference to Governments in Exile*, Oxford, Clarendon Press, 1998, p. 4.

used. When a state is diplomatically recognized by another subject of international law the said subject acknowledges a set of facts which triggers certain legal effects off. To put it in plain English: diplomatic recognition acknowledges the fact of country's existence giving it rights and obligations. The international law identifies two types of recognition: *de facto* and *de jure* - the former posing conditions and being in practice rather rare, the latter being irreversible and unconditional. The diplomatic recognition is a sovereign right of every state and cannot be enforced. The international law forbids premature recognition i.e. recognition of a country which stability is questionable². The question of the minimum number of states that need recognize a newly formed state to be fully legitimated is still disputed.

Secession for the purpose of this article shall be understood as an act of withdrawing from a political entity. Secession is not a destructive process *per se* and might be an outcome of an agreement between all parties (in that case it is often called cessation)³. The unified view on secession has not developed under the framework of international law. Secession seems to be justified as an expression of the right to self-determination and the moral necessity of decolonization. On the other hand, it directly violates the right to territorial integrity. On the ground of international law secession is permissible in cases of repetitive instances of human rights violations or regular discrimination. That being said, all secessionist movements should be analyzed in case-by-case basis in the light of local constitutional regulations⁴.

A given territory is deemed to be incorporated when it becomes an integral part of another sovereign political entity. Should the incorporating territory be an independent state it ceases to be a subject of international law at the moment of incorporation. The act of incorporation leaves one surviving entity i.e. the incorporating state which is the main difference between incorporation and unification.

² Bierzanek, Remigiusz, Symonides, Janusz, *Prawo międzynarodowe publiczne*, Warszawa, LexisNexis, 2008, p. 142.

³ „Separatyzm, secesja, cesja”, *Stosunki Międzynarodowe*, <http://stosunki-miedzynarodowe.pl/slownik/65-s/729-separatyzm-secesja-cesja> (accessed July 5, 2014).

⁴ Radziejowska, Marta, „Prawo i bezprawie – secesja i przyłączenie Krymu do Rosji”, *Biuletyn PISM*, vol. 38, March 26, 2014, http://www.pism.pl/files/?id_plik=16918, (Accessed July 4, 2014).

In the light of these definitions, let us briefly analyze what actually happened in Ukraine in 2014. On March 11, 2014 the local parliament, the Supreme Council of Crimea, expressed the will of Crimean people for independence and called for a referendum. Six days later, the same body unilaterally proclaimed the independence of the Republic of Crimea thereby declaring secession from Ukraine. The Supreme Council referred to the precedence of Kosovo as well as the results of the referendum where allegedly 96.77% of respondents voted for integration with Russia⁵. On the same day Russia recognized Crimea's independence. As a matter of fact, this was only a step towards factual incorporation of the short-lived Republic of Crimea into Russian Federation. On March 21 the Republic of Crimea and the federal city of Sevastopol became the part of the Russian Federation under the name Crimean Federal District. The Russian Constitutional Court ruled that the incorporation of Crimea was in line with Russian Constitution⁶.

To sum up, from the Moscow's point of view, the independent Republic of Crimea was incorporated into Russian Federation with the latter as the surviving entity. Technically, as an independent state, Republic of Crimea had the full right to express its sovereignty by deciding to cease to exist. For the rest of the world, Russian Federation incorporated a revolted territory of the Republic of Ukraine. Most of UN members perceive this move as unlawful⁷, however it is not the point of this article to refute or confirm this assumption.

⁵ 2014. "Crimea declares independence, seeks UN recognition", <http://rt.com/news/crimea-referendum-results-official-250/>, (Accessed July 5, 2014). It is worth to notice that Crimea adduced to Kosovo's precedence even though Russia never recognized its independence.

⁶ 2014. "Treaty on Crimea's accession to Russia corresponds to Russian constitution". Itar-tass News Agency, <http://en.itar-tass.com/russia/724320>, (Accessed July 5, 2014).

⁷ United Nations General Assembly Resolution 68/882 passed on March 27, 2014 calls for retaining Crimea within Ukraine's borders. It was adopted with 100 members in favor, 58 abstaining (notably China) and 11 against (including Russia). See Mu Xuequan. 2014. "UN General Assembly adopts resolution affirming Ukraine's territorial integrity", http://news.xinhuanet.com/english/world/2014-03/28/c_126325576.htm (Accessed July 6, 2014).

3. Historical precedencies: China's stance on independence of Kosovo and South Sudan

For the sake of better understanding of the rationale behind Chinese policy it is crucial to review Beijing's standpoint on cases of independence proclamations in recent years. The cases of Kosovo and South Sudan will serve as model examples.

The Republic of Kosovo unilaterally seceded from Serbia in February 2008. The act itself was quite sudden and was in fact a result of failed negotiations for the Athisaari stability plan in 2007. The reaction of the public opinion was mixed with the US and most of European Union members (with notable exceptions acknowledging the independence almost immediately while Russia and India strongly opposing it. China's standpoint was unambiguous and firm. Instantly after Kosovo's unilateral proclamation of independence, Chinese minister of foreign affairs Liu Jianchao expressed *grave concern* in regards to recent developments in the Balkans. He claimed that Kosovo's *decision can produce a series of results that will lead to seriously negative influence on peace and stability in the Balkan region and on the realization of building a multi-ethnic society in Kosovo, which China is deeply concerned about*⁸. Furthermore, he diplomatically advised Serbia and Kosovo to resolve the tensions by talks and negotiations.

Three months later, during a summit in Ekaterinburg, foreign ministers of China, Russia and India released a joint statement in which they appealed for Belgrade and Pristina to re-assume talks and resolve any issues within the framework of international law⁹. China also had a significant input for *Kosovo Advisory Opinion* of International Court of Justice stipulating the supremacy of State sovereignty and territorial integrity over *the so-called right to remedial self-determination*¹⁰.

⁸ 2008. "China <deeply concerned> over Kosovo independence", *Xinhuan News Agency*, <http://www.china.org.cn/english/international/243012.htm> (Accessed July 6, 2014).

⁹ 2008. "Russia, China & India insist Kosovo and Serbia resume talks", <http://rt.com/news/russia-china-and-india-insist-kosovo-and-serbia-resume-talks/> (Accessed July 6, 2014).

¹⁰ Yee, Sienho, "Notes on the International Court of Justice (Part 4): The Kosovo Advisory Opinion", *Chinese Journal of International Law*, 2010, <http://chinesejil.oxfordjournals.org/content/9/4/763.full> (Accessed July 6, 2014).

The judgment itself did not refer to Kosovo's case directly and in details, nonetheless it ruled that international law does not forbid unilateral proclamation of independence *per se*.

While Russian engagement seems to be logical – Russia is Serbian long-stand ally due to geographical proximity as well as historical and religious ties - China's firm position on developments in such remote and marginal (from Beijing's perspective) part of world might be puzzling, especially that People Republic of China praises the principle of non-interference as the key-notion of international politics¹¹. In order to explain Chinese involvement let me analyze the standpoint of Taiwan that China perceives as its revolted province.

The reaction of Taiwan was contrary to mainland China's. The government in Taipan welcomed Kosovo's independence and was one of the first states in the world to recognize it. As the Taiwanese foreign minister James Huang put it: *The Kosovo people, after overcoming various difficulties, have achieved independence. This is worth our admiration*¹². Such haste was certainly not a sign of good heart but rather a result of cold political calculation¹³. In his speech, Huang on few occasions referred to 'self-determination' being a 'holy right' enshrined in the UN Charter. Taiwan's international recognition is fragile and, since 1971 when it lost its permanent seat in the United Nation's Security Council, it is constantly deteriorating. Nowadays, Taiwan is recognized as an independent state only by the Holy Seat and several small countries in Sub-Saharan Africa, Central America and Eastern Pacific. The actual guarantee of Taiwan's existence is the unofficial support of status quo by the US which 7th Fleet stations in Taiwan Strait. The Taiwanese president Chen Shuibian used Kosovo's independence as an excuse to appeal for further American engagement in the region arguing that if the US backed Kosovo why they should not

¹¹ Chinese dedication to non-interference dates back to Zhou Enlai's speech in Bandung Conference in 1950s. Ideologically, it is rooted in 19th century when Chinese were humiliated by foreign (Western) interventions. See: Brown, Kerry. 2013. "Is China non-interference policy sustainable?", *BBC News*, <http://www.bbc.com/news/world-asia-china-24100629> (Accessed July 6, 2014).

¹² Chan, John. 2008. "Kosovo <independence> brings new uncertainties in Asia", *World Socialist Web Site*, <http://www.wsws.org/en/articles/2008/02/asko-f22.html>, (Accessed July 6, 2014).

¹³ It is hard to believe that the overall knowledge of Kosovo's history or politics among Taiwanese is high enough to result in admiration.

back Taiwan. Minister Liu quickly rebuked Taiwan's standpoint by stating that as it is merely a part of China it has no right to maintain separate foreign policy. He also reminded that Beijing would not allow dividing China by any means.

Chinese assertiveness towards Kosovo's independence stem from analogies that can be drawn for Taiwan. Both political entities related in aforementioned official statements to fundamental, yet contradictory, rights of international law – territorial integrity and self-determination. Despite assurances of the US State Department¹⁴ and the Secretary-General of the United Nations¹⁵ that Kosovo's case is highly distinctive and unique, China remained cautious fearing that it might cause a dangerous precedence that Taiwan could refer to in the future¹⁶.

A more recent example of declaration of independence was the secession of South Sudan in July 2011. In this case Chinese reaction was completely different – Beijing recognized South Sudan's independence shortly after its proclamation. The First Party Secretary Hu Jintao sent a cordial letter to the government in Juba proclaiming that *China respects the political system and development path the South Sudanese have chosen. China also stands ready to establish and develop friendly and cooperative relations with the new nation based on the five principles of peaceful coexistence*¹⁷. Hu added that *the founding of South Sudan is the common aspiration of the South Sudanese people and their own decision*¹⁸. Why the independence of

¹⁴ 2008. "Kosovo autonomy is not precedent for other territorial conflicts – US" , *Interfax*, <http://web.archive.org/web/20080226080432/>; http://www.interfax.ru/e/B/politics/28.html?id_issue=11972248 (Accessed July 6, 2014).

¹⁵ "UN Secretary-General Ban Ki-moon: I wish to note that Kosovo is highly distinctive situation", *Interfax*, <http://web.archive.org/web/20080314204124/>; <http://www.interfax.com/17/373003/Interview.aspx> (Accessed July 6, 2014).

¹⁶ After 2008 there were several instance where separationists referred to Kosovo's precedence, see: Trifkovic, Srdja. "The Kosovo Precedent", *The Brussels Journal*, February 28, 2008, <http://www.brusselsjournal.com/node/3039> (Accessed July 6, 2014).

¹⁷ Tiezzi, Shannon. "China South Sudan Dilemma", *The Diplomat*, December 25, 2013, <http://thediplomat.com/2013/12/chinas-south-sudan-dilemma/> (Accessed July 6, 2014). One of these principles is the non-interference policy.

¹⁸ 2011. "China Recognized Independence of South Sudan", *Xinhua News Agency*, http://www.chinadaily.com.cn/china/2011-07/09/content_12869896.htm (Accessed July 6, 2014).

South Sudan is local people *own decision* and the funding of Kosovo aren't? Is it possible that a country famous from its stable politics could change its mind so drastically within only 3 years? *Prima facie*, Chinese volt might look confusing but after careful analyze it is back on a perfectly logical track.

Similarly as in the case of Kosovo, South Sudan gained independence after a long and disastrous civil war with crimes bearing the hallmarks of ethnic cleansing. However, unlike as in the Balkans the declaration of independence was supported by a referendum. According to the official results, 98.83% voters supported the separation¹⁹. More importantly, the government in Khartoum accepted the outcome of the referendum *as it represents the will of the Southern people*²⁰. The entire process took six years and resembled an evolution rather than revolution. All this gives the division of Sudan the tinge of legitimacy that the secession of Kosovo lacked.

The Chinese engagement in the region dates back to mid-90's when bilateral relations between Khartoum and Beijing were upgraded from 'traditional' to 'strategic'. By that time China was launching its triumphal march to African markets while Sudan was isolated on the international scene and desperately needed an ally that can put a blind eye on Khartoum's repetitious human rights violations. Both parties benefited from the alliance: Chinese National Petroleum Corporation accessed local oil fields crucial for always resource-hungry Chinese economy while Sudan gained a powerful and wealthy partner. By 2010 China accounted for 72.6% of Sudan's export and 20.7% of imports. 82% of oil produced in Sudan was shipped to China. It is important to note that most of Sudanese oil fields were situated in the south. Soon, Sudan became Chinese gate to Sub-Saharan Africa being the outpost for further market expansion²¹.

However, there is a fly in the ointment. A new stage of civil war in Sudan broke up in 2003. The unprecedeted cruelty of pro-government Janjaweed mobs shocked the international community. Thanks to

¹⁹ 2011. "South Sudan backs independence – results", *BBC News*, <http://www.bbc.co.uk/news/world-africa-12379431> (Accessed July 6, 2014).

²⁰ Ibidem.

²¹ Further reading on Chinese economic and political involvement in Africa: Alden, Christopher, *China in Africa: Partner, Competitor or Hegemon. African Arguments*, Palgrave Macmillan, New York, 2007.

engagement of so-called celebrities the conflict in Darfur gained the attention of the Western public opinion and made a stay in TV and Internet news²². The slaughter in Darfur started to spread across the South and Sudan's neighbor Chad. Open support for Sudanese leader Omar Bashir became reputationally costly for China, especially in the very year when Olympics Games were to be held in Beijing. More importantly, the protracted instability impeded oil production or even on few occasions threatened Chinese workers in Sudan directly. South Sudan independence stabilized the region and caused oil to flow again. With regards to recent turmoil in South Sudan, China continues its efforts to stabilize the internal situation and improve South-North relations²³.

To sum up, China is generally unwilling to recognize the unilateral independence proclamations. This reluctance stems from trepidation that such precedence might in the future be used against China by Taiwanese government. However, if the process of secession is gradual and accepted by all parties China's standpoint is much more flexible, especially when vital economic interests are in stake.

4. China's standpoint on Crimea independence

As discussed in the first chapter Crimean independence was ephemeral and lasted for one day only. In fact, China needed to take an attitude towards Crimea's incorporation to Russia not the independence itself. This is a substantial difference compared to South Sudan or Kosovo, the difference that most of commentators tend to forget about. However, these phenomena are still comparable. All three proclamations stem from political and ethnical differences and resulted in violation of the principle of territorial integrity that China is driven by.

Prima facie, 'the Crimean scenario' looks tempting for China. Let us imagine a separatist government rising to power in Taipei, calling for a referendum which results in peaceful incorporation to mainland China, all

²² To find out more about celebrities' engagement in Darfur see: Danley, Patricia, *Rescuing African Bodies: Western Celebrities, Human Rights and Protest in Africa*, University of London, July 2012.

²³ Even though most oil fields are situated in the South, South Sudan is a landlocked country that needs Northern pipelines and harbors to export oil efficiently.

before world's very eyes. Even U.S. officials hurried to warn China not to try it²⁴. Paradoxically, the Chinese reaction was guarded and conservative.

As mentioned before, one of Chinese tenets in international policy is non-interference in the domestic affairs of other states. In the case of Crimea, the very country that infringed this principle has been Chinese economic partner and a perfect counterbalance against America's domination for last two decades. Beijing soon realized that its attitude would need to balance between the attachment to non-interference principle and necessity to maintain good relations with Russia.

Initially, China took Russia's side in the Ukrainian conflict. The very idea of grass-root, democratic forces gathering on the capital's main square to overthrow the *ancient regime* is simply unacceptable for decision-makers who still remember the protest on the Tiananmen Square²⁵. It is not a coincidence that when the protests arose in December 2013, president Victor Yanukovich rushed with an official visit to China in seek of loans, investments and political support.

The initial support changed into much more reserved standpoint after the Crimea's secession from Ukraine. Edward Haliżak suggests that due to geographical distance China at first did not recognize the situation properly and was misled by Russian rhetoric. It is hard to decide if that was indeed the case or Beijing was simply took by surprise by Putin's moves. Either way, Chinese leaders did not welcome the results of Crimean referendum. Foreign Ministry Spokesperson Hong Lei asked for his opinion on the results answered with reserve: *China always respects all countries' sovereignty, independence and territorial integrity. The Crimean issue should be resolved politically under a framework of law and order. All parties should exercise restraint and refrain from raising the tension*²⁶. As

²⁴ Brunnstrom, David. 2014., "U.S. warns China not to try Crimea-style action in Asia", *Reuters*, <http://www.reuters.com/article/2014/04/04/us-usa-china-crimea-asia-idUSBREA322DA20140404> (Accessed July 7, 2014).

²⁵ Former Polish president Aleksander Kwaśniewski called the Euromaidan protests 'Ukrainian Tiananmen'. See: Castle, Stephen, Gordon, Michael. "U.S. Imposes Visa Ban on 20 Ukrainian Officials as Further Sanctions Are Threatened", *New York Time*, February 19, 2014, http://www.nytimes.com/2014/02/20/world/europe/ukraine-reaction.html?_ga=1.267159502.1346666516.1404892182 (Accessed July 7, 2014).

²⁶ Tiezzi, Shannon. "China Reacts to the Crimea Referendum", *The Diplomat*, March 18, 2014, <http://thediplomat.com/2014/03/china-reacts-to-the-crimea-referendum/> (Accessed July 7, 2014).

mentioned before, China abstained from voting on UN General Assembly Resolution 68/882. Therefore, depending on the point of view, China either refused to back Russia or ignored Western pledges for support.

How to explain this lack of enthusiasm towards ally's actions in such a remote part of the world? In order to elucidate this phenomenon we need to go beyond pure political explanation and refer to socio-ethnic situation and history of China. Besides merely violating the principle of non-interference, Moscow played with an ethnic card by openly appealing to Russian diaspora in the peninsula. People's Republic of China composes of 55 legally recognized ethnic minorities (and Han majority). In 2010 the ethnic minorities accounted for 8.59% of population²⁷. *Primo facie*, this number might look insignificant but in reference to absolute numbers it makes over 110 million people. More importantly, some of these groups differ distinctly in terms of religion, culture and language from the Han majority and exhibit strong separatist tendencies. National independence movements of Tibetans who are proud of long traditions of statehood or Muslim Uighurs in Xinjiang province are widely recognized in the West. Christian Lisu people at the border with Burma or Chinese Koreans in north-west are fairly less known yet significant. Ethnical integrity is the apple of the eye for regime in Beijing and it will not be threaten only to endear Russia.

Furthermore, Chinese relations with Russia have never been bed of roses. The history of border friction dates back to 16th century. More recently, military clash over border island Damanskii (Zhenbao in Chinese) resulted in Sino-Soviet split and Chinese-American rapprochement of 1971. Today, the border conflicts between Russia and China are resolved, however Chinese still tend to perceive Russia as a potential rival and resentments are still strong²⁸.

The cautious approach towards Russia does not equal support for the West. The articles in press and public statements of political sciences suggested that the Western Europe and the U.S. are in fact the ones who should be blamed for chaos in Ukraine. Allegedly, by supporting the Euromaidan protests, Western democracies ruined the status-quo in Ukraine

²⁷ 2011. Han Chinese proportion in China's population drops: census data, *English news*, http://news.xinhuanet.com/english2010/china/2011-04/28/c_13849933.htm (Accessed July 7, 2014).

²⁸ The author himself on few occasions had the opportunity to hear Chinese wishing "the ancient Chinese city of Vladivostok" to come back to the motherland.

and opened the way for separatisms²⁹. In May 2014, China and Russia launched joint naval exercise sending a clear signal to the West that Moscow-Beijing relations are still close. Moreover, First Secretary Xi Jinping appealed for creation of a new security complex in Asia that includes Russia and Iran but omits America's involvement³⁰. Despite initial stumbles, a 30-year deal for Russian gas delivery to China worth immense 400 billion dollar was signed the same month³¹. Thereby, Beijing allowed Russia to send Europe a clear message – 'we do not need your outlet for our resources to thrive'.

To conclude, Crimean secession posed a huge challenge for Chinese politicians. Crimea's case to some degree resembled Kosovo's scenario: all happened by a sudden, unilateral decision and China had no direct economic interest to put a blind eye on the non-interference principle's infringement. On the other hand, an open protest would upset Russia and put China on the same footing as the West. Instead, Beijing chose a third option: calling for observance of international law and further negotiations while distancing from the USA and Western Europe. Abstaining from voting on Resolution 68/882 was in fact a sign of adherence to this policy of balance.

However, as the Chinese policy gets more and more global the non-interference principle may become obsolete. As a want-to-be superpower, People's Republic of China will be forced to behave towards unexpected international crises and the non-interference policy will be challenged more often. Chinese decision makers will be forced to work the possible answer to these developments out. Their opportunities and the consequences they might trigger off should be a subject of further research.

²⁹ Bin, Yu. 2014. "West's concern for Ukraine reflects long standing fears", *The Global Times*, <http://www.globaltimes.cn/content/849055.shtml#.Uyc9soUXfag> (Accessed July 8, 2014).

³⁰ Gertz, Bill. 2014. "Russia Shifts to China After Ukraine Crisis", *The Washington Free Beacon*, <http://freebeacon.com/national-security/russia-shifts-to-china-after-ukraine-crisis/>, (Accessed July 8, 2014).

³¹ Luhn, Alec, Macalister, Terry, "Russian signs 30-year deal worth \$400bn to deliver gas to China", *The Guardian*, May 21, 2014, <http://www.theguardian.com/world/2014/may/21/russia-30-year-400bn-gas-deal-china> (Accessed: July 8, 2014).

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