

Thoughts on Constructing the Community of Human Destiny under the International Rule of Law

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Abstract: In recent years, with the continuous development of China's economy, China's political influence has been strengthened in the international community, especially in the operation of international law. The proposal of building a community of human destiny has a great significance for the realization of the great rejuvenation of the Chinese people. Therefore, this paper first makes an important analysis and constructs the international rule of law in the community of human destiny. Also it points out the international law connotation in the concept of building the community of human destiny, and then puts forward the thoughts of constructing the international rule of law in the community of human destiny.

1. Research Background

1.1 Literature review

The five pillars of the community of human destiny refer to “lasting peace”, “universal security”, “common prosperity”, “openness and tolerance” and “clean and beautiful”. The concept of the community of human destiny embodies China's position and wisdom in the international arena in the rule of law, and is also a high expression of China's value (Xie, 2018). The concept of community of human destiny is an important indicator of China's establishment of international discourse power, as well as the embodiment of China's leadership in the process of global governance. International Law refers to the habits and rules gradually formed in the course of exchanges between countries. Current international law is a very important existence in dealing with international relations and investigating the international community in the long-term practice of various countries. It is formed after legal conviction (Peng, 2019). From the current national situation, although the community of human destiny has not yet aroused universal resonance in western developed countries, it has been included in the UN Security Council resolution (Zhang, 2018). At the same time, the UN Human Rights Council has received the support of traditional friendly countries in making resolutions. Western media pay little attention to the community of human destiny, but in many foreign media, such as CGTN, China Daily and Xinhua, there are often reports about the community of human destiny (Xu, 2018). On the basis of following the basic principles of international law, the community of human destiny has further deepened the connotation of international law. The construction of the community of human destiny is in line with the development trend of contemporary international law, and also shows that China has taken the responsibility of promoting international law. Throughout the history at home and abroad, the Hague Peace Conferences in 1899 and 1907 established the basic principles of peaceful settlement of disputes between countries. By 1928, the Paris Convention on Non-War also explicitly expressed the pursuit of avoiding war among countries until the United Nations Constitution embodied these principles of peace. But after the end of World War II, although there were no large-scale world wars, there were still many small wars between regions (Li, 2016). Therefore, General Secretary Xi Jinping put “lasting peace” at the top of the community of human destiny and called on the people of the world to love peace and establish good relations of survival among all countries.

1.2 Purpose of research

The concept of community of human destiny has pointed out the value goal of human-centered for China and international law. Constructing the community of human destiny is consistent with the value pursued by international law. Therefore, on the basis of the basic principles of international law, China should make full use of international law to actively build a “community of regional destiny”, deal with the relationship between China and its neighboring countries, strengthen multilateral cooperation, participate in global governance in depth, and promote the interaction between domestic and international rule of law in an all-round way so as to promote the greatness of the Chinese nation. Revive the cause. At the same time, the implementation of the community of human destiny is carried out by means of the national legal system, so as to attract the subjects of international law to participate actively in the process of practice and achieve the goal of enhancing the sense of international identity. In addition, we should use the national legal system to realize the practice of the community of human destiny, promote the stable development of bilateral and changeable rights and obligations between various fields, and then form regular and institutionalized power and obligations, so as to achieve the goal of solving important global problems.

2. The Importance of Constructing the Community of Human Destiny to the International Rule of Law

In 2016, President Xi Jinping called on the Chinese people to study the important problems facing China and the world and propose solutions for China. The community of human destiny embodies the value of China's “world feelings”, and is an important commitment of China to promote human civilization. Integrating the concept of community of human destiny into the international legal system can promote the community of human destiny to become an international common consciousness, so as to make up for the differences in traditional culture, interests, ideology, value orientation and political system of various countries (Cao, 2019).

To some extent, the strength of a country will affect its international status. Every country's influence on the world in the course of its development is a manifestation of its strong national strength in specific time and space. Even though the influence formed many years ago transcends the limitation of time, many countries still play the role of the yardstick of civilization and the carrier of national discourse power in the current cultural construction. To some extent, countries that can grasp the innovation opportunities of the international rule of law are equivalent to grasping the relevant state power and the initiative of medical disposition, as well as the power to redistribute the pattern of interests. This also means that the country can fully reflect and safeguard its interests in the formulation and implementation of the rules, and then realize its own interests (Huang et al., 2019).

Therefore, it is essential to transform the concept of human destiny community into an international legal system and form a long-term and effective international consensus, which will play a guiding role in global governance. With the national legal system as the carrier, the concept of community of human destiny is conveyed, thus reducing the disputes of different ideologies among different countries. In adjusting international relations, we should give full play to the important role of the concept of community of human destiny.

3. The Connotation of International Law in the Idea of Constructing a Community of Human Destiny

“Enduring peace”, “universal security”, “common prosperity”, “openness and tolerance” and “clean and beautiful” are the five keys to the community of human destiny, which contain rich connotations of international rule of law (Huang, 2018).

The basic premise of the community of human destiny is “lasting peace”. Peace is the highest pursuit of the international community, the eternal theme and the most important goal of

international law. Today, some countries still interfere in other countries' internal affairs by force, resulting in acts that undermine international peace and breaking the principle of peace in national law. It is precisely because of these problems that China put forward the idea of building a community of human destiny, and put "lasting peace" in the first place. The fundamental significance of China's advocacy of world peace lies in the establishment of relations of equality, mutual treatment and mutual commerce among countries.

The fundamental guarantee of the community of human destiny is "universal security", which is the primary task of international law. Whether for a person, a nation or a country, security is the basic guarantee to do everything. The laws and regulations on security in international law are also constantly improving. "Maintaining international peace and security" is the primary purpose of the constitution of the United Nations. With the increasingly prominent security issues in non-traditional areas, such as terrorism, infectious diseases, energy and environment, international law has also introduced a number of international treaties. But it did not play an effective role in solving the problem. The threats posed by traditional and non-traditional security problems are becoming increasingly serious. Under such circumstances, some countries stick to the Cold War ideology and put their own security above the general security of the international community, which can easily lead to insecurity in the world. It calls for international law to conform to the provisions of the Charter of the United Nations and promote cooperation in the field of international security by respecting peace and the rule of law.

The material basis of the community of human destiny is "common prosperity", which is also the fundamental goal of international law. With the evolution of the international pattern, developing countries and emerging market countries have also risen one after another. The globalization of economy and the informationization of society have influenced social productivity and brought many opportunities to the whole world. Because of the great differences between North and South, the international community has formulated and implemented the sustainable development strategy for 2030 and the Millennium Development Goals. The proposal of the Community of Human Destiny demonstrates China's attitude towards promoting trade and investment liberalization by working together among countries. International law should create and maintain a good institutional environment, change unfair and unreasonable arrangements, and promote the development of an open world economy.

"Open and inclusive" as a civilized link to build a community of human destiny, is also the ideological foundation of international law. In the long course of historical development, there exists western centralism in international relations and international law, and many cultures of non-Western countries and nations are seriously discriminated against. Although cultural diversity has been recognized by UNESCO, there are still many clashes of civilizations in practice. Some countries hold a high-handed attitude and interfere in the internal affairs of other countries by rough means, which seriously undermines normal relations among countries. General Secretary Xi Jinping pointed out that differences in civilizations are not the root cause of conflicts, but should be an effective driving force for the progress of human civilization.

The ecological pursuit of building a community of human destiny is "clean and beautiful", and it is also the frontier field of international law. On the earth on which we live, human beings should work together to cope with the increasingly serious environmental problems. Each country jointly builds a world of ecological civilization, creates a clean and beautiful ecological environment, and provides safeguards for the sustainable development of mankind. China has a profound concept of ecological civilization. Especially under the guidance of the theory and practice of socialism with Chinese characteristics, China has adopted implementable policy support to continuously promote the construction of ecological civilization. General Secretary Xi Jinping made it clear that the construction of ecological civilization is a major event concerning the future of mankind. "Clean and beautiful" will be included in the community of human destiny, in order to appeal to the people of the whole country to build a beautiful home.

4. Thoughts on Constructing the Community of Human Destiny under the International Rule of Law

4.1 Making full use of the legal mechanism of the United Nations

Under the guidance of the concept of human community, we should promote the convergence of domestic legal policies and international law, so as to promote the practice of international law and the innovation of international law with Chinese characteristics. As a founding member of the United Nations and a permanent member of the Security Council, China has great advantages in applying the legal mechanism of the United Nations. The values of peace, security, tolerance and supply in the concept of the Community of Human Destiny are fully in line with the basic principles of international law. China should strengthen the construction of the discourse system of international law, make rational use of the existing legal mechanism of the United Nations, apply for more initiative, improve China's international status and influence, and promote the construction of the community of human destiny.

4.2 Actively constructing the community of regional destiny

Guided by the concept of community of human destiny, China should make rational use of international law and multilateral framework to promote trust between China and developing countries as well as neighboring countries. China and developing countries share common development goals, so it is easy to reach consensus in the field of international affairs. China's pursuit of stability and peace, as well as its neighbouring relations with neighboring countries, should not only do good deeds and build prestige, but also use international law to reduce disputes, so as to improve the level of specialization in diplomatic practice. China should pay attention to the study of theories and practices related to international dispute settlement mechanism, improve its ability to prevent and handle international disputes, and create a good surrounding environment.

4.3 Strengthening multilateral cooperation

China should make rational use of international law treaties to promote the stabilization and institutionalization of multilateral powers and obligations. We should use international legal discourse to promote the construction of "One Belt and One Road" and promote the connection of Eurasian economic alliance. China should expand cooperation in energy, investment, aerospace and other fields, and at the same time form multilateral legal documents. China needs to dig deep into the innovations in international legal theory, rules and practice. Participation in international multilateral arms control, arms loading and prevention and proliferation on the basis of multilateral negotiations and international treaties on arms control. To carry out China's trade cooperation under the legal framework of international organizations, including China's international human rights cooperation, we should closely integrate national interests and development strategies with international law and attach importance to the resonance between them. At the same time, China should highlight the highlights of multilateral diplomacy in the process of international cooperation.

4.4 Deep participation in global governance

Global governance has always been a major international issue. China should take the concept of human destiny community as a guide, make rational use of international law, and then deeply participate in global governance. Since the reform and opening up, China has become one of the most important countries in international institutions, and its importance in international negotiations has been increasing. Globalization has brought new opportunities for the development of various countries, but it also brings many problems, such as unclear situation on the peninsula, military conflicts among major powers and war against terrorism. No country can turn a blind eye to global problems. China, which plays an important role in global governance, has put forward the concept of community of human destiny, which has been constantly put into practice. The key point of China's Deep Participation in global governance is to make rational use of international law and innovate it. At the same time, it is also a difficult point for China to maintain relations with its neighboring countries.

4.5 Promoting the interaction of domestic rule of law and international rule of law as a whole

Building a new and powerful country in an all-round way and making constant contributions to mankind is the central idea of the report of the Nineteenth National Congress of the Communist Party of China. The new era has two meanings: one is internal, the other is external. Internally refers to the modernization of perfecting the socialist legal system with Chinese characteristics and the national governance system and governance capacity. External refers to the basis on which China handles its foreign affairs and national legal system, namely, the community of human destiny, which shows the attitude of the Communist Party of China to strive for the cause of mankind. Based on domestic law and international law, China adjusts the momentum of domestic interests so as to better deal with the relationship between national interests and the interests of mankind as a whole. Promote the cohesion between domestic law and international law, establish international norms and standards, and continuously improve the foreign-related legal system.

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