



13th International Conference on the New Haven School of Jurisprudence (9 Dec 2022)

14 Dec 2021

On December 9, 2022, the Academy of International Strategy and Law of Zhejiang University, in partnership with Yale Law School, Guanghua Law School of Zhejiang University, and Centre for Chinese and Comparative Law and Law School of City University of Hong Kong, organized the 13th International Conference on the New Haven School of Jurisprudence. The conference was held online and offline at the same time, invited scholars and experts from mainland China and Hong Kong, the United States, the United Kingdom, Japan, Korea, Thailand, Italy, India, Australia, and other countries to start in-depth exchanges and discussions in contemporary international law frontier and related hot issues.

Prof. Wang Guiguo (President of the Academy of International Strategy and Law of Zhejiang University; University Professor of Law at Zhejiang University) gave the opening remarks and **Prof. W. Michael Reisman (Myres S. McDougal Professor of International Law of Yale Law School)** delivered the keynote address. Professor Wang Guiguo greeted all presenters and moderators and fondly recalled the deep friendship he established with his mentor, Professor Reisman, one of the important founders of the New Haven School, during his study at Yale University. It is not only a legal theory that directs the development of international society but also contributes to the social progress of foreign countries. Professor Wang Guiguo further pointed out that an adequate theory should not purely be based on historical experience but also apply to the present and provide guidance for the future. Since its inception, the New Haven School of Jurisprudence has gained widespread support and attention from the international community and is directly related to the values advocated by traditional Chinese culture, including human dignity and the rule of law.

Professor Reisman also expressed his greetings to the attendees and said that all international lawyers face the difficulty of choosing between the conflicting values and interests of the international and national communities. Professor Reisman cited the dilemma between ethical judgment and national allegiance faced by former British Attorney General Shawcross in the Lotus case as an example of the importance of this issue in today's uncertain world of international jus cogens. Professor Reisman highlighted that domestic norms may differ from the requirements of international law, such as human rights, which requires international lawyers and

international law scholars to uphold the notion of justice, adhere to the principles of international law, and contribute to the development of humanity.



Following that, four discussion panels were held.

The first panel was moderated by **Professor Fujio Kawashima (Professor, Kobe University School of Law, Japan)**. **Professor Zhang Naigen of Fudan University Law School** delivered a presentation entitled "The Relationship between International Law and Ideology in the Changing World", arguing the international community is facing many challenges brought about by the changing world, including the development of traditional international law from Europe to the world with the ideology of the so-called civilized nations, and especially the new Cold War mentality in today's international law theory. The new Cold War paradigm of international jurisprudence, in particular, should be removed and developed in a more inclusive direction following the United Nations Charter. **Associate Professor Matthew Erie of the Institute of Modern China Studies, University of Oxford, United Kingdom**, gave a presentation entitled "Legal Systems Inside Out: American Legal Exceptionalism and China's Dream of Legal Cosmopolitanism," arguing the United States and China have taken different approaches to the relationship between international and domestic law and that it is worthwhile to consider which is better or worse. The lecture is worthy of attention. **Professor Tomas Fitzgerald from the School of Law, Curtin University, Australia**, delivered a lecture entitled "Regulating Artificial Intelligence: A New Haven Approach to Solving Problems in theory and Practice", which was based on the theory of the New Haven School and discussed outer space law, artificial intelligence law, artificial intelligence, and culture. **Dr. Ying Zhu, Assistant Professor of the Faculty of Law of the University of Hong Kong**, gave a lecture entitled " A Bottom-up Dilemma: International Investment Law and Environmental Governance ", arguing that international investment law has possessed a "chilling effect" on the environmental regulation of foreign countries. He advocated a bottom-up approach to environmental governance and made suggestions for future arbitration and treaty-making in environmental governance.



The second panel was moderated by **Professor Wang Jiangyu from the School of Law, City University of Hong Kong**. **Professor Gu Minkang, President of the School of Credit Risk Management of Xiangtan University**, gave a speech entitled "The Spirit of International Relations: Keep Good Faith and Pursuing Harmony", arguing that "speaking of faith and cultivating harmony" has been recorded as early as in the Book of Rites. He also pointed out that the pursuit of peace and harmony is a major trend in world development. **Professor Liu Jingdong, Director of the Institute of International Law of the Chinese Academy of Social Sciences**, delivered a speech entitled "Singapore Convention on Mediation and China's Commercial Conciliation Legislation," arguing that while the Convention is helpful to commercial mediation, it also poses challenges. Professor Liu believes China will eventually ratify the Convention and develop an independent commercial mediation law to implement the Convention. **Professor Swaran Singh Jaswal of Jawaharlal Nehru University, India**, gave a speech entitled "Human Dignity and Peace", pointing out that the Indian Constitution has made great contributions to human dignity and peace, such as providing for affirmative action, the right to information, the right to education, etc. **Professor Shen Wei from Shanghai Jiaotong University Kaiyuan Law School** delivered a lecture entitled "RMB and the Global Financial (Monetary) System", explaining the causes of U.S. financial hegemony, from the Bretton Woods system, the International Monetary Fund and the World Bank to monetary imperialism, pointing out that the U.S. dollar has a "first mover advantage". He pointed out that the U.S. dollar retains a "first-mover advantage"; the development opportunities of RMB are in the Asia-Pacific region; the establishment of an "RMB zone" is an effort to de-dollarize the U.S. dollar, which remains a long way to go; and raised three issues that remain to be solved. **Professor He Zhipeng, Dean of**

the School of Law of Jilin University, delivered a lecture entitled "International Justice: A Historical Evolution of a Terminology", explaining the changes in the concept of "justice" from the dimension of time and space and proposing a relative understanding of "justice."



The third panel was assembled by Zhejiang University Guanghua University and chaired by **Professor Zhao Jun, Vice Dean of Guanghua Law School of Zhejiang University**. **Professor Nohyoung Park from the School of Law, Seoul University, Korea**, delivered a lecture entitled "International Digital Trade Rulemaking: An Observation", which explored the impact of international agreements such as RCEP, USMCA, KSDPA, and DEPA on cross-border data flows. **Professor Shi Jingxia from the School of Law of the Renmin University of China** gave a speech entitled "The Possible Future of the WTO Appellate Mechanism", suggesting that China remains a staunch supporter of multilateralism and two-tier dispute resolution procedures and that the WTO's appeal and arbitration procedures may also exist for a long time. **Professor Hong Yanqing from the School of Law of Beijing Institute of Technology** delivered a speech entitled "Data and the Relationship between Geo-Economics and Geopolitics", arguing that data power can be used in economic, political, and military aspects, and that digitalization has altered the mode of government governance, and substantial data can help governments plan for education, healthcare, public transportation, and other areas. **Dr. Rajesh Sharma, Senior Lecturer at the Royal Melbourne Institute of Technology, Australia**, presented on "Is it time to define substantive standards of obligation in ISDS? He argued that the use of ADR in the ISDS is necessary and that there is an urgent need to establish consistent and predictable FET standards. **Professor Nartnirun Junngam, National University of Political Science and Law,**

Thailand, presented "Thailand's Debut in Investment Treaty Arbitration: Legal Implications of the Walter Bau Case for Participants in International Investment Law", sharing his academic views on the importance of treaty-making and subsequent practice in treaty interpretation, and arguing that he shared his views on the importance of treaty-making and subsequent practice in treaty interpretation, and argued the understanding of international law by arbitral tribunals is crucial to the credibility of investment treaty arbitration.



Last but not the least, the fourth panel was chaired by **Professor Cheng Le, Executive Vice President of the Academy of International Strategy and Law, Zhejiang University, and Guanghua Law School. Professor Tomoko Ishikawa of the Graduate School of International Development of Nagoya University, Japan**, delivered a speech entitled "Third Party Participation in Investor-state Mediation", pointing out that the imbalance of power and resources between the two parties in investment mediation has become an obstacle to the resolution of investment disputes, and that the participation of a third party in investment mediation can help resolve this problem. **Professor Stefano Porcelli from the University of Brescia Law School, Italy**, presented a lecture entitled "Ars Boni et aequi" for a Dynamic Approach to Law in a Fast-Changing World", emphasizing the importance of using a critical research approach from both commercial and civil law perspectives. He emphasized the importance of using critical research methods from a commercial and civil law perspective. **Professor Alberto De Franceschi, Faculty of Law, University of Ferrara, Italy**, gave a presentation on " The EU Digital Markets Act: Ensuring Fairness and Transparency in Online Markets," discussing specific measures taken by the EU to ensure fair and secure digital markets.

Professor Chen Lei from the School of Law, Durham University, United Kingdom, gave a speech entitled "Some Reflections on the Doctrine of Change of Circumstances in the Chinese Civil Code", discussing that although the DCC rules set out in the Civil Code do not provide the Chinese courts unfettered power to exclude contractual liability, but they do give the courts discretion to interpret certain provisions to ameliorate unfairness caused by changing circumstances. **Professor Geraint Howells, School of Law, University of Manchester**, delivered a speech entitled "Consumer Protection in Asia", pointing out that Asian consumers face unjust treatment and that the non-confrontational cultural traditions of Asian consumers have contributed to the rapid growth of mediation claims.



While the eighteen presentations delivered during the four panels were informative and thought-provoking, the group discussion following each panel's presentations was equally impressive: critical and inspirational comments were delivered on the speakers' presentations and acute questions were posed for the speakers' responses, and further discussion among all participants.

Finally, **Professor Wang Guiguo, Professor Wang Jiangyu, and Professor Zhao Jun** delivered concluding statements, thanking all the attendees for their time and contributions, as well as the speakers' excellent presentations and valuable contributions. Professor Wang Guiguo first expressed his gratitude to the participants from all walks of life, both online and offline, and considered the speakers' views inspiring and a successful international conference. Prof. Wang Jiangyu expressed his gratitude to the organizers and the scholars for their speeches, each of which was very enlightening and beneficial, especially in deepening his understanding of policy-

oriented research methods in international relations. Prof. Zhao Jun believes that the International Conference on New Haven School and International Law provided a platform for scholars to communicate their academic views and generated many insights, which promoted the dialogue between international relations and international law, as well as the interaction between practice and theory. Finally, Professor Wang Guiguo concluded the New Haven School of Law is a very comprehensive and systematic school of law, encompassing not only research methods but also the values, goals, and directions of human society, and is reasonably consistent with the values advocated by traditional Chinese culture. Professor Wang Guiguo believes the participants of the International Conference on New Haven Schools of Law and International Law have exchanged many valuable academic perspectives.

