

**International Symposium on
“The Rule of Law in Chinese Foreign Affairs”
法治與中國對外事務國際學術研討會**

Centre for Chinese and Comparative Law, School of Law, City University of Hong Kong
In collaboration with
Fudan University Law School
The Chinese Journal of Comparative Law

香港城市大學法律學院中國法與比較法研究中心主辦
復旦大學法學院及《中國比較法雜誌》協辦

**(30 November 2020)
(2020年11月30日)**

**Programme
會議議程**

Opening Speech
開幕辭

- 09:00 – 09:15 Jianguyu WANG (*Professor & Director of Centre for Chinese and Comparative Law, School of Law, City University of Hong Kong*)
王江雨 (香港城市大學法律學院教授、中國法與比較法研究中心主任)
- Congyan CAI (*Professor, Fudan University Law School & Xiamen University Law School*)
蔡從燕 (復旦大學法學院及廈門大學法學院教授)

Panel 1: Extraterritoriality and Immunity in Chinese law

第一節：中國法之下的域外適用及豁免問題

Moderator: Tao DU (*Professor, School of International Law, East China University of Political Science and Law*)

主持：杜濤 (華東政法大學國際法學院教授)

- 09:15 – 09:30 **Extraterritoriality of Chinese Law: Myths, Realities and the Future**
中國法的域外適用：迷思、現實與未來
Zhengxin HUO (*Professor, School of International Law, China University of Political Science and Law*) & Man YIP (*Associate Professor, Singapore Management University School of Law*)
霍政欣 (中國政法大學國際法學院教授)、葉曼 (新加坡管理大學法學院副教授)
- 09:30 – 09:45 **Comment**
Discussant: Massimo LANDO (*Assistant Professor, School of Law, City University of Hong Kong*)
點評人: Massimo LANDO (香港城市大學法律學院助理教授)
- 09:45 – 10:00 **Flexible State Immunity in Transition: China's Interest and Institutional Predicament**
轉型中的靈活國家豁免：中國的利益與制度困境
Peng WANG (*Associate Professor, Xi'an Jiaotong University School of Law*)
王鵬 (西安交通大學法學院副教授)
- 10:00 – 10:15 **Comment**
Discussant: Mandy Meng FANG (*Assistant Professor, School of Law, City University of Hong Kong*)
點評人: 方萌 (香港城市大學法律學院助理教授)
- 10:15-10:30 **The Extraterritoriality of the Chinese Law and Its Application: The Role of the Executive Branch**
中國法的域外效力及其適用：行政機關的作用
Shiping LIAO (*Professor, Beijing Normal University School of Law*)
廖詩評 (北京師範大學法學院教授)
- 10:30 – 10:45 **Comment**
Discussant: Stephenson Pok Yin CHOW (*Assistant Professor, School of Law, City University of Hong Kong*)
點評人: 周博研 (香港城市大學法律學院助理教授)

10:45 – 10:55 Break
小休

Panel 2: International Law and Domestic Law

第二節：國際法與中國國內法

Moderator: Shiping LIAO (*Professor, Beijing Normal University School of Law*)

主持：廖詩評（北京師範大學法學院教授）

- 10:55 – 11:10 **International Law as External Public Law: Empire and Domestication of International Law**
作為域外公法的國際法：帝國與國際法的國內化
Yifeng CHEN (*Associate Professor, Peking University Law School*)
陳一峰（北京大學法學院副教授）
- 11:10 – 11:25 **Comment**
Discussant: Jiangyu WANG (*Professor & Director of Centre for Chinese and Comparative Law, School of Law, City University of Hong Kong*)
點評人：王江雨（香港城市大學法律學院教授、中國法與比較法研究中心主任）
- 11:25 – 11:40 **China and Constitutionalizing Process in International Law**
中國與國際法的憲法化進程
Björn AHL (*Professor and Chair of Chinese Legal Culture, University of Cologne*)
伯陽（德國科隆大學中國法律文化講席教授）
- 11:40 – 11:55 **Comment**
Discussant: Michael TSIMPLIS (*Professor, School of Law, City University of Hong Kong*)
點評人：Michael TSIMPLIS（香港城市大學法律學院教授）
- 11:55 – 12:10 **The Genesis of Chinese Foreign Relations Law: Internationalism and the Beforelife of Republic of China Constitution**
中國對外關係法的民國憲法起源考
Yang LIU (*Assistant Professor, Renmin University of China Law School*)
劉洋（中國人民大學法學院助理教授）
- 12:10 – 12:25 **Comment**
Discussant: Peter Shucheng WANG (*Associate Professor, School of Law, City University of Hong Kong*)
點評人：王書成（香港城市大學法律學院副教授）
- 12:25 – 12:40 **The Making of Treaties Under Chinese Law: Gaps Between the Law and Practice**
中國法下條約的締結：適用法與實踐的差異
Chaoyi JIANG (*Postdoctoral Teaching Fellow, Fudan University Law School*)
蔣超翊（復旦大學法學院師資博士後）
- 12:40 – 12:55 **Comment**
Discussant: Jiangyu WANG (*Professor & Director of Centre for Chinese and Comparative Law, School of Law, City University of Hong Kong*)
點評人：王江雨（香港城市大學法律學院教授、中國法與比較法研究中心主任）

12:55 – 14:30 Lunch
午餐時間

Panel 3: Rule of Law and China's Foreign Policy

第三節：法治與中國對外政策

Moderator: Zhengxin HUO (*Professor, School of International Law, China University of Political Science and Law*)

主持：霍政欣（中國政法大學國際法學院教授）

14:30 – 14:45 **An Analysis of Chinese Civil Code: Local Knowledge or a Global Public Good?**

中國民法典探析：本土知識抑或全球公共產品？

Tao DU (*Professor, School of International Law, East China University of Political Science and Law*) & Xiuyan FEI (*Lecturer, Institute of BRICS Legal Studies, East China University of Political Science and Law*)

杜濤（華東政法大學國際法學院教授）、費秀艷（華東政法大學金磚國家研究院助理教授）

14:45 – 15:00 **Comment**

Discussant: Qiao LIU (*Professor, School of Law, City University of Hong Kong*)

點評人：劉橋（香港城市大學法律學院教授）

15:00 – 15:15 **Transparency and Transparency-Related Litigations in Chinese Foreign Affairs**

中國對外關係中的透明度及相關訴訟

Congyan CAI (*Professor, Fudan University Law School & Xiamen University Law School*) & Yifei WANG (*PhD Candidate, Xiamen University Law School*)

蔡從燕（復旦大學法學院及廈門大學法學院教授）、王一斐（廈門大學法學院博士生）

15:15 – 15:30 **Comment**

Discussant: Fozia Nazir LONE (*Associate Professor, School of Law, City University of Hong Kong*)

點評人：霍詩婭（香港城市大學法律學院副教授）

15:30 – 15:45 **China's Emerging Unilateral Sanctions: Heading Towards Rule of Law?**
形成中的中國單邊制裁：邁向法治？

Wenjie YU (*Associate Professor, Law School, Southeast University*)

于文婕（東南大學法學院副教授）

15:45 – 16:00 **Comment**

Discussant: Jiangyu WANG (*Professor & Director of Centre for Chinese and Comparative Law, School of Law, City University of Hong Kong*)

點評人：王江雨教授（香港城市大學法律學院教授、中國法與比較法研究中心主任）

16:00 – 16:15 **The Law of Defense Mobilization in China and Its Connection with *Jus Ad Bellum* and *Jus In Bello***

中國國防動員法及其與訴諸戰爭權和戰時法的聯繫

Xinyu LENG (*Associate Professor, School of International Law, China University of Political Science and Law*)

冷新宇（中國政法大學國際法學院副教授）

16:15 – 16:30

Comment

Discussant: Tianxiang HE (*Assistant Professor, School of Law, City University of Hong Kong*)

點評人: 何天翔 (香港城市大學法律學院助理教授)

Closing Speech

閉幕辭

16:30 – 16:45

Congyan CAI (*Professor, Fudan University Law School & Xiamen University Law School*)

蔡從燕 (復旦大學法學院及廈門大學法學院教授)

Jiangyu WANG (*Professor & Director of Centre for Chinese and Comparative Law, School of Law, City University of Hong Kong*)

王江雨教授 (香港城市大學法律學院教授、中國法與比較法研究中心主任)

Bios of Speakers & Discussants

(According to Alphabetical Order)

Björn AHL is Professor and Chair of Chinese Legal Culture at the University of Cologne. His research in Chinese law focuses on constitutional development, in particular on judicial reforms and rights litigation. Chinese practice of public international law, comparative law, legal transfers, and legal culture, which are related to Greater China and Chinese legal development are further areas of his research. He is President of the European China Law Studies Association. He received a Ph.D. in Law from Heidelberg University and studied law and Chinese language at the University of Heidelberg and the University of Nanjing.

Congyan CAI is a Professor of International Law at Fudan University Law School and Honorary Professor of East China University of Political Science and Law (ECUPL) based in Shanghai, China. Professor Cai's academic interests include international legal theory, foreign relations law, international investment law, and Chinese international legal policies and practice.

Yifeng CHEN is an Associate Professor of Law at Peking University Law School. His fields of interest include history and theory of international law, international organizations, global governance and international labour law.

Stephenson Pok Yin CHOW is Assistant Professor of the School of Law of City University of Hong Kong. Through a mix of doctrinal legal research and interdisciplinary methods, Dr. Chow's research explores new contours in international law and international human rights law that seek to make possible the accommodation of diversity in an increasingly globalized world. His research on international law addresses third-party standing, the uses of treaty reservations, and the law on ethnic conflicts, while his work on human rights law touches upon themes such as cultural rights and multiculturalism, discrimination, and the rights of persons with disabilities. He published extensively in leading journals in both UK and US, such as the *International and Comparative Law Quarterly* (ICLQ), *Human Rights Law Review*, *Texas International Law Journal* and *Georgetown Journal of International Law*. His work was cited by international agencies and human rights bodies including the European Parliament and the Equality and Human Rights Commission (UK). In 2017, he was awarded the ICLQ's Young Scholar Prize.

Tao DU is Professor and Secretary-General at the International Law School of the East China University of Political Science and Law (ECUPL), Executive Vice President of the Institute of BRICS Legal Studies, Deputy Director of the ECUPL Center for Proof of Foreign Law, Standing Director at the China Society of Private International Law, member of the International Academy of Comparative Law, and arbitrator registered under several arbitral institutions. Professor Du was a visiting scholar at the University of Trier (April 2001 - March 2002) under the Joint Sino-German Doctoral Scholarship Program and at the Max Planck Institute for Comparative and International Private Law (April 2008 - August 2009) supported by Alexander von Humboldt Foundation. His research interests include private international law, international economic law, and comparative law, with publications around 10 monographs such as *Economic Sanctions in International Law*, and 60 papers and translated works.

Mandy Meng FANG joined City University of Hong Kong, School of Law as Assistant Professor in July 2020. Dr. Fang held post-doctoral fellowships at Chinese University of Hong Kong (CUHK) and National University of Singapore. She obtained her PhD from CUHK, her LLM from University College London and Bachelor of Management and Bachelor of Laws degrees from Chongqing University. Her research interests include international economic law, World Trade Organization Law, climate change governance, energy law and international environmental law. She is currently working on the legal issues relating to China's

natural gas sector reform and the trade-related issues relating to renewable energy development and the transition to a low carbon economy. Her research appears in peer-reviewed journals such as *Journal of World Trade*, *Journal of World Investment and Trade*, *Chinese Journal of Environmental Law* and *Climate Law*. Her work also appears in edited collections published by Cambridge University Press, Routledge and Springer.

Xiuyan FEI is a lecturer at the Institute of BRICS Legal Studies of the East China University of Political Science and Law (ECUPL) in Shanghai, China. Her research interests include international economic law, commercial arbitration, and investment arbitration. Xiuyan obtained her PhD in law from the University College Dublin with full scholarship under the National Scholarship Fund of China in 2015 and was sitting doctoral researcher at the New York University School of Law (2011-2012). Xiuyan has published papers in both English and Chinese journals such as the *Chinese Economy*, *Journal of the Indian Law Institute* and *Chinese Yearbook of International Law*.

Tianxiang HE (China P. R. 1984) is Assistant Professor at the School of Law, City University of Hong Kong. Dr. He holds an LL.B. degree (Huaqiao University, China, 2007) and a Master degree in International Law (Jinan University, China, 2009). Dr. He received his degree of Ph.D. in IP law at Maastricht University (the Netherlands, 2016), where he was Researcher at the Department of International and European Law, and Ph.D. Fellow at Institute for Globalization and International Regulation (IGIR), and another Ph.D. degree in Criminal Law at Renmin University of China (2017).

From August 2012 to July 2013, Dr. He worked in the Research Center for the Legal Systems of Intellectual Property of Waseda University in Tokyo, Japan as a visiting researcher. In Europe, the Ius Commune Research School conferred to him an Honorable Mention in the Ius Commune Prize 2014 (<http://www.iuscommune.eu/html/prize/jury/2014.pdf>). As of 1st August 2016, Dr. He is working as Assistant Professor in School of Law, City University of Hong Kong. Dr. He is also acting as an Associate Member of IGIR, Maastricht University. Dr. He is the author of the book *Copyright and Fan Productivity in China: A Cross-jurisdictional Perspective*. Dr. He's articles appeared in top journals such as *American Journal of Comparative Law*, *Queen Mary Journal of Intellectual Property*, *Journal of the Copyright Society of the U.S.A.*, *Computer Law & Security Review*, *The University of Illinois Journal of Law, Technology & Policy* and *Asia Pacific Law Review*. Dr. He is currently on the editorial board of the *Chinese Journal of Comparative Law (CJCL)* published by Oxford University Press.

Zhengxin HUO is a Professor of Law at China University of Political Science and Law (CUPL). Professor HUO's principal areas of teaching and research include private international law, international law, comparative law, and culture property law.

Chaoyi JIANG is a postdoctoral teaching fellow at Fudan University Law School. Her academic interests focus on interdisciplinary studies of international law and international relations, foreign relations law, international trade law, climate change, the law of armed conflict, and China's practice and policy in international law.

Massimo LANDO joined the School of Law as Assistant Professor in August 2020. His academic research is in general international law, with a special focus on the law of the sea and the settlement of international disputes by judicial process. Prior to joining the School of Law, he served as Associate Legal Officer at the International Court of Justice, working in the chambers of Judge Dalveer Bhandari and Judge *ad hoc* Charles N. Brower (March 2017–July 2020). He previously interned at the International Tribunal for the Law of the Sea (July 2014–September 2014). Massimo completed his PhD at the University of Cambridge (November 2017), writing a thesis on the establishment of maritime boundaries under international law. Prior to his PhD, Massimo obtained a Master of Laws (LLM) from the University of Cambridge (June 2014). He is trained in both civil law and common law, having obtained a Bachelor of Laws (LLB) from the University of Milan (June 2013) and a Graduate Diploma in Law (GDL) from the University

of Law (June 2018). He will be called to the Bar of England and Wales in 2021 (Gray's Inn). Massimo welcomes supervising research students within his areas of research.

Xinyu LENG is an Associate Professor at School of Law, China University of Political Science and Law. He holds a Ph.D in International Law and has research interests mainly in the fields of International Criminal Law and International Humanitarian Law (IHL). Currently, He is leading a project on Lethal Autonomous Weapon System and its impact on arms control and IHL.

Shiping LIAO a Professor of Law at Beijing Normal University, focusing on several aspects of international dispute settlement, international trade law, international investment law, the law of treaties, the law of the sea, international criminal law, and international humanitarian law.

Qiao LIU is Professor at the City University of Hong Kong School of Law. His previous posts include Associate Professor at the TC Beirne School of Law, University of Queensland (Australia); Lee Ka Shing Visiting Professor at McGill University Faculty of Law; specially appointed Tengfei Adjunct Professor at Xi'an Jiaotong University School of Law (China). Professor Liu is an Honorary Professor at the TC Beirne School of Law, University of Queensland (Australia) and holds a Visiting Professorship at Xiamen University School of Law (China). Professor Liu teaches and researches in a wide range of business-related common law and Chinese law topics including contract, commercial law, unjust enrichment, international commercial law (sale of goods, transfer of funds etc), financial transactions, with a particular interest in comparative study of Chinese and Anglo-Australian private law. He has published widely in the above areas, including over 50 books and articles. His articles have appeared in leading journals including the *Modern Law Review*, *American Journal of Comparative Law* and the *Cambridge Law Journal*. His book entitled 'Anticipatory Breach' (Hart Publishing Oxford 2011) is regarded by epic common law courts and top scholars as a leading monograph on an important topic of English contract law. He also co-authored a contract textbook with Professor Ewan McKendrick of the University of Oxford (Contract Law Australian Edition, Palgrave Macmillan 2015) and translated Peter Birks' seminal book 'Unjust Enrichment' (2nd edn OUP 2005) into Chinese (Tsinghua University Press, 2012). Professor Liu's works have been cited by epic common law courts including the Singapore Court of Appeal and the New Zealand Court of Appeal as well as by the English High Court and to the House of Lords. Professor Liu has been a Founding Deputy Editor-in-Chief for the *Chinese Journal of Comparative Law* (OUP) since 2013 and has served as its Editor-in-Chief since late 2017. He is presently Joint Editor-in-Chief of the Journal. He is also a Foreign-related Commercial and Maritime Adjudication Expert at the Supreme People's Court in Beijing and a United Nations Commission on International Trade Law expert for updating the UNCITRAL Digest of Case Law on the CISG. Professor Liu has won highly prestigious and fiercely competitive grants in Australia, China and elsewhere, including the Australian Research Council Discovery Early Career Researcher Award fellowship (as the only awardee in the discipline of law) in 2015 and the Chinese State Social Science Fund Project in 2011. He has served as expert witness in both Australia and greater China in a number of international commercial cases.

Yang LIU is an Assistant Professor of Law at Renmin University of China. He works on the history of foreign relations law, international law, and international relations.

Fozia Nazir LONE has been teaching in JD, LLM, LLB programs (including servicing courses) at the School of Law of City University of Hong Kong since 2009. Prior to joining CityU, she obtained her LLM and doctoral degrees from the University of Aberdeen, Scotland (UK), where she was also Tutor in Public International Law. She has published extensively in peer-reviewed journals including the *Emory International Law Review*, the *Journal of Water Law*, *Max Planck Yearbook of United Nations Law*, *Chinese Journal of International Law*, *Vienna Journal on International Constitutional Law*, *Asia Pacific Law Review*, as some examples. She has also published research monograph and books. Dr Lone has received research grants from the University Grants Committee (Hong Kong), as well as the Carnegie Trust for the Universities of

Scotland. Her research interests include international law, international water law, transboundary water disputes, and international boundary dispute settlement.

Michael (Mikis) TSIMPLIS has been with City University of Hong Kong School of Law since 2018. Before joining CityU Mikis has worked in various academic and leadership positions for the University of Southampton and before that for the UK Natural Environment Research Council. He has taught a number of courses including Admiralty Law and Enforcement, Charterparties, Bills of Lading, Energy and Environment Law, Law of International Sales, Legal Concepts and Law of the Marine Environment in academic and professional courses around the world. Mikis undertakes research in marine, maritime, commercial and environmental law as well as keeping an interest in oceanography and environmental science. He has led and contributed to various international and interdisciplinary projects and has published mainly in the areas of law, oceanography and sea level rise. He has also been involved in the quality assessment and accreditation of university departments and in the evaluation of research proposals for national and international bodies.

Jiangyu WANG is Professor of Law and Director of the Centre for Chinese and Comparative Law at the City University of Hong Kong School of Law. Prior to joining CityU, he held a tenured appointment at the Faculty of Law of the National University of Singapore for more than a decade, where he served as the Director of the Asian Law Institute (ASLI) and was the founding Deputy Director of the Centre for Asian Legal Studies (CALS) of NUS Law and a Joint Editor-in-Chief of the Asian Journal of Comparative Law. He is an Editor-in-Chief of the Chinese Journal of Comparative Law (CJCL) published by Oxford University Press. His teaching and research interests include international law and international relations, international economic law, comparative company law and securities regulation, and law and development in China. He worked in the Legal Department of Bank of China and Chinese and American law firms.

Peng WANG is an Associate Professor at School of Law, Xi'an Jiaotong University, P. R. China, and was a Silk Road Visiting Scholar at Cambridge University Lauterpacht Centre for International Law, UK. He has authored two books (in Chinese) and several papers in academic journals, including ICSID Review, Journal of World Investment and Trade, The Journal of World Energy Law & Business, Ocean Development and International Law, Polish Yearbook of International Law, Chinese Journal of Comparative Law, etc. Dr. Wang's current research interests cover international investment law, international law and international relations, and China's energy law and policy.

Peter Shucheng WANG teaches in the JD, LLM and LLB programmes at the School of Law, City University of Hong Kong (CityU). He has authored three books and over fifty journal articles (published and forthcoming) in reputable international journals across various jurisdictions, including *Human Rights Quarterly* (US), *Modern China* (US), *University of Pennsylvania Asian Law Review* (US), *Emory International Law Review* (US), *Statute Law Review* (UK), *Public Law Review* (Australia), *Hong Kong Law Journal* (Hong Kong), and *Journal of East Asia and International Law* (South Korea), along with a number of prestigious Chinese law journals such as the Chinese Journal of Law [法學研究]. In addition, he has been awarded three research grants by the Hong Kong Research Grants Council in support of his interdisciplinary research in the field of Chinese law and society. Prior to joining CityU, Wang began his academic career at the Peking University School of Government in 2009 after completing his PhD through the Fulbright Chinese PhD Dissertation Research Program at Renmin University in Beijing and Emory University in the US (US supervisor: Michael J. Perry). His dissertation, entitled 'Presumption of Constitutionality', investigates the relationship between the legislature and judiciary in the process of constitutional review from a comparative perspective. It was awarded the 'National Outstanding PhD Dissertation Prize' (Wang was the only recipient of this award in the field of law nationwide in 2011). In addition, he holds a Master of International Human Rights Law from the University of Oxford, where he was both a

Clarendon Scholar and the first graduate of the programme from Greater China. In addition, Wang was appointed externally as the Chutian Scholar Professor of Law at Zhongnan University of Economics and Law in 2015, and has held various visiting appointments at Harvard Law School (US), SUNY Albany (US), NUS (Singapore), SNU (South Korea), Academia Sinica (Taiwan), Waseda (Japan), etc. Beyond his academic performance, he also specialises in Chinese calligraphy and has received many national calligraphy awards, particularly during his time as a law undergraduate. He held his own Chinese calligraphy exhibition in Wuhan City in 2003.

Yifei WANG is a PhD candidate in international law at Xiamen University, LL.M in maritime law at Erasmus University Rotterdam (EUR), and LL.B & Juris Master at China University of Political Science and Law (CUPL). Her research interests include international legal theory, foreign relations law, international law of the treaty and maritime law.

Man YIP is an Associate Professor of Law in the School of Law at the Singapore Management University. She is presently the Deputy Director of Centre for Cross-Border Commercial Law in Asia and the Private Law Cluster Coordinator at the School of Law. Her principal research interests are in unjust enrichment and restitution, equity and trusts, private international law, contract law and remedies. Her work has been cited by the Singapore Court of Appeal, the Singapore High Court and the High Court of England and Wales. In recognition of her research, she was awarded the DS Lee Fellowship in 2016 and the Lee Kong Chian Fellowship in 2018.

Wenjie YU is an Associate Professor of international law at Law School, Southeast University in Nanjing, China. Her academic interest lies in international trade law, international investment law, and international dispute resolution.