



CCCL Distinguished Lecture: The Legal History of International Power: Sovereignty & Property (21 Feb 2023)

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In light of a forthcoming book on Histories of International Law in China: All Under Heaven? (edited by Ignacio de la Rasilla, Jiangyu Wang, and Congyan Cai, Oxford University Press 2025), the Centre for Chinese and Comparative Law (CCCL), in partnership with Wuhan University Law School and Fudan University Law School, is organizing a massive series of public lectures on the histories of international law from both Chinese and global perspectives. To begin the Distinguished lecture series, on 21 February 2023, the Centre for Chinese and Comparative Law (CCCL) of the City University of Hong Kong's School of Law hosted the first lecture to assist students and lawyers in understanding the legal history of international power. **Martti Koskenniemi, Emeritus Professor of International Law, University of Helsinki & Director, Erik Castrén Institute of International Law and Human Rights** was invited as our distinguished speaker.

Prof. Wang Jiangyu, the CCCL's Centre Director, delivered a welcome speech to start the public lecture.

Martti Koskenniemi is an **Emeritus Professor** of International Law at the University of Helsinki and Director of the Erik Castrén Institute of International Law and Human Rights. He was a member of the Finnish diplomatic service from 1978-1994, a Judge with the Administrative Tribunal of the Asian Development Bank (1997- 2002) member of the International Law Commission (UN) from 2002-2006.

He began the lecture by introducing the histories of law as sovereignty and empire, with the famous image from the piece of Westphalia, which is often regarded as a monumental event in legal history. It could also be seen as a symbol of the important moment in our understanding of what international law is the power of sovereignty. In the 16th century, to define Scholasticism (Diviso rerum), there are two kinds of lawful power which we can frame the activities of the Spanish in the Indies, and also the commercial merchants rolling about in Europe to outside and to China, which should be the rules of Dominium jurisdictions. Furthermore, French colonial venturing was even more intensively organized through private property. The famous Richelieu, who de facto ruled France in the early part of the seventeenth century. Looking into the political

theories behind history, he emphasized that without full sovereignty, there is no property either, and its continued existence is dependent on the power of the sovereign to protect it. Then, he introduced a book on the European Order Balance of Sovereignities and empire of property, written by J. G. Justi in 1757. The book explained the idea of expanding the balance of power from sovereign relations to property relations, that commerce by nature is global and it is impossible to limit commerce. He added, in addition, in the 19th century, the legal world remained divided between the public law of diplomacy, laid out in its most sophisticated by the German. After a long history, the most crucial question in the current economics debate, in the post-second world war, is to focus on the exploitation of natural resources. The debate on permanent sovereignty over natural resources, it kept captured the difference and the tension but also the collaboration between sovereignty and property. To summarize, the use of European legal power could be understood as a power of legal language, containing two powerful idioms, namely sovereignty, and property. He at last emphasized that these two languages are hardly to be separated from each other.

Professor Ignacio de la Rasilla, Wuhan University led a discussion session following **Martti Koskenniemi**'s thought-provoking speech, in which they shared their insights. The majority of all those attending took the opportunity to express themselves, and many of them were insightful and imaginative. **Prof. Wang Jianguyu** gave a closing remark in which he thanked all of the attendants for their contributions to the lecture's success.



Emeritus Prof. Martti Koskenniemi and Prof. Ignacio de la Rasilla.



Prof. Wang Jianguyu.