

THE UNIVERSITY OF HONG KONG'S
EAST ASIAN INTERNATIONAL ECONOMIC LAW & POLICY PROGRAMME,
ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW,
CENTRE FOR CHINESE LAW

THE RGC GRANT SCHEME ON
“THE IMPACT OF WESTERN INTERNATIONAL LAW ON THE DISINTEGRATION OF
THE LATE QING EMPIRE, AND THE CONTINUING CONSEQUENCES FOR EAST ASIA
IN THE 21ST CENTURY”

&

RGC THEME-BASED RESEARCH SCHEME PROJECT:
“ENHANCING HONG KONG'S FUTURE AS A LEADING INTERNATIONAL FINANCIAL
CENTRE”

An International Workshop on

CHINA'S IDENTITY IN INTERNATIONAL LAW

1-2 September 2016 (Thursday and Friday)
Academic Conference Room 11/F Cheng Yu Tung Tower
The University of Hong Kong

C. L. Lim & Tony Carty
(Co-Chairs)*

Programme

Thursday, 1 September 2016

9:30 – 10:00 am Welcome and Introduction: Tony Carty & C.L. Lim

10:00 – 10:30 am **Introductory Keynote Address**

Dr. Kendall Johnson, University of Hong Kong
*Manifesting Extraterritoriality in China: Caleb Cushings's Revolutionary Commerce and
the United Republic of Christendom*

10:30 – 11:00 am *Coffee Break*

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11:00 am – 12:30 pm Panel One

China's Experience with International Law from the 19th Century to the Present

It is often asked whether China is willing to comply with international law. This panel considers the history of China's experience of that law in the Sino-French and Sino Japanese Wars in the late 19th century. Chinese thinkers and officials began with a belief, encouraged by US missionaries, that international law was a form of natural law akin to Confucianism, but gradually came to believe that the balance of power governed world society and international law worked only among those equal in strength. How do these alternative visions operate today, e.g. in the South China Sea?

Chair: Prof. C.L. Lim, University of Hong Kong

Ms. Zhang Xiaoshi, University of Hong Kong

A Reexamination of Imperial China's Experience with International Law: Insights from the Sino-French War?

Ms. Xu Bijun, University of Hong Kong

The Ahistorical and Amoral Nature of Positive International Law: A Case Study of the Sino-Japanese War

Dr. Hu Henan, South China Sea Institute, Xiamen University

The Western late 19th century Invention of the Doctrine of Res Nullius and the South China Seas

Prof. Tony Carty, Tsinghua University and University of Hong Kong

French Imperialism and International Law, From Indo China (1885) to the South China Sea Islands (1931-33)

Q & A

12:30 – 1:30 pm *Lunch (Speakers Only)*

1:30 – 2:30 pm Panel Two

The Failure to Establish a New International Legal Order in East Asia after 1945

The Qing Tributary System had collapsed by 1900. By 1940 China itself appeared to have collapsed. What were the difficulties faced in establishing a new international order after 1945? A Western order would normally be set up through a multilateral peace treaty based upon the sovereign equality of states. This appeared not to have happened in East Asia. This Panel begins to explore the legal nature of the post 1945 East Asian Order.

Chair: Prof. Tony Carty, Tsinghua University and University of Hong Kong

Dr. A-Jull Lim, University of Hong Kong

Franklin D. Roosevelt's Trusteeship Idea for Korea: Principled or Presumptuous?

Ms. Melissa Loja, University of Hong Kong

US Perspectives on China, Through the US Archives from the Early 19th Century to 1944

Dr. Patrick Leung, University of Hong Kong and Prof. Tony Carty

The Exclusion of the PRC from the San Francisco Conference and its Consequences

Q & A

2:30 – 3:00 pm **Second Keynote Address**

Prof. Madam Zhao Hong, Chinese Academy of International Trade and Economic Cooperation

International Law in China: from Negativism to Positivism and Constructivism

3:00 – 3:15 pm *Coffee Break*

3:15 – 5:30 pm Panel Three

China's Trade and Investment Treaty Relations

This panel turns to that which is usually portrayed as the successful face of Chinese engagement with the world - an engagement driven by economic globalization – but does China's WTO Accession Protocol make a fair conclusion to the history of compelling China to enter the world of free trade? Do China's own FTAs suggest that it is no longer solely reliant upon the existing multilateral system? How far does the TPP represent a continued fragmentation of East Asian sovereign relations, subordinating economics to politics? Finally, in investment treaty policies, the shoe is now on the other foot. China has become a significant capital exporter. How far will the China-US BIT depart from the TPP's investment chapter, or for that matter from a China-EU BIT?

Chair: Prof. Richard W. X. Hu, University of Hong Kong

Prof. C.L. Lim, University of Hong Kong

Rejection, Convergence, and the Search for Identity in the International Economic Order

Dr. Wang Jiangyu, National University of Singapore

China's FTA programme

Dr. Deborah Kay Elms, Asian Trade Centre, Singapore
The US and the TPP

Ms. Chao Junqing, University of Hong Kong
The China-US and China-EU Investment Treaty Negotiations

Q & A

*****Day One Ends*****

Friday, 2 September 2016

9:30 – 10:00 **Day Two Opening Keynote Address**

Dr. Zhang Yongle, Peking University
The Concept of “Ba Quan” (“霸权”, Hegemony) and the Casuistry of the Five Principles of Peaceful Coexistence

10:00 am – 11:15 am Panel Four

China’s Role in Regional and International Financial Affairs

This, fourth, panel continues the economic turn. It will discuss China's role in international and regional financial and monetary affairs; including its increasing leadership and assertiveness as evidenced in the process of RMB internationalisation, creation of the Asian Infrastructure Investment Bank (AIIB) and New Development Bank, as well as the possible implications of the Belt and Road Initiative.

Chair: Prof. Zhang Xianchu, University of Hong Kong

Dr. Ramon Pacheco Pardo, King’s College London
China in Regional Financial Governance: From Follower to Leader?

Prof. Chao Xi, Chinese University of Hong Kong
‘We Say It Is Five Percent’: China and Basel III

Mr. Dini Sejko, Chinese University of Hong Kong

Dr. Tat Yan Kong, School of Oriental and African Studies
Coping with a Difficult Neighbour: China’s Recent Economic Strategies towards North Korea and their Implications

Q & A

11:15 am – 11:30 am *Coffee Break*

11:30 am – 12:30 pm **Closing Keynote Address**

Prof. M. Sornarajah, National University of Singapore

The Romantic and Realist Visions of China and India in the Future of International Law

12:30 – 1:30 pm *Lunch (Speakers Only)*

1:30 – 3:30 pm Panel Five

Does the Past Matter?

This concluding panel explores the past in a variety of ways. Does China's history with international law have general implications for the nature of international law and its history? Should China concentrate strongly on its past and look for apology or recompense? Can international law envisage or conceive of such an approach? Or should China “forget the past”, treat it as relatively insignificant compared to the possibilities it enjoys, especially economically, in the present world? Should China not recognize that the West accepts it into the international economic and financial system? Finally, how does China see itself now in 2016 compared to 1906? How do others see it?

Co-Chaired: Prof. Tony Carty and Prof. C.L. Lim

Dr. Thomas Skouteris, American University in Cairo

New Trends in International Legal History following the “Historical Turn”

Ms. Tan Jing, University of Hong Kong

China in 1900 and 2016

Dr. Samuli Seppänen, Chinese University of Hong Kong

Ideological Conflict and the Rule of Law in China

Prof. Fu Hualing, University of Hong Kong

The Human Rights Factor in Relations with the US: Past and Future

Dr. Anna Irene Baka, Greek National Commission for Human Rights, formerly University of Hong Kong

China and International Law: How to Rebuild Trust in the International Legal Order

Q&A

3:30 pm – 3:45 pm Closing Remarks

*****Day Two Ends*****

Speakers please note -

3:45 pm – 4:45 pm *Speakers Only Closed-Door Meeting on Publication (Coffee to be Served)*