

Selected Articles From the Chinese Yearbook of International Law, Edited by the Chinese Society of International Law

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SELECTED ARTICLES FROM THE CHINESE YEARBOOK OF INTERNATIONAL LAW [sic]. Edited by the Chinese Society of International Law. Beijing, China: China Translation & Publishing Corp., 1983, 308 pp., \$30.00.

China's liberal and pragmatic approach to modernization has encouraged and prompted legal reform. "Strengthening the socialist legal system," in the words of the Chinese, is a *sine qua non* to realizing the People's Republic of China (PRC) Four Modernization program. The development of international law in China has not been an exception as progress in this field progresses in leaps and bounds. The *Chinese Yearbook of International Law* (first published in Chinese under the title of *Zhongguo guoji fa niankan*) provides evidence of such success. This book contains selected translations from the *Yearbook's* first volume. The translations include an introduction by the President of the Chinese Society of International Law, nine essays, a book review on Zhou Gengsheng's *International Law*,¹ a description of the establishment and the activities of the Chinese Society of International Law, and an appendix of the texts of ten Chinese laws related primarily to foreign trade, taxation and investment in the PRC. The essays are on the subjects of the Third World, by Wang Tieya, *Jus Cogens*, by Li Haopei, Outer Space, by Ni Zhengyu and He Qizhi respectively, State Sovereignty over Natural Resources, by Wang Xuan, International Investment, by Yao Meizhen, the U.S.-Taiwan Relations Act,² by Zhang Hongzeng, and PRC Nationality Law, by Sheng Yu and Wang Keju respectively.

The Chinese Society of International Law was established in 1980 to "promote academic activities for the development of China's science of international law under the guidance of Marxism-Leninism and Mao Zedong Thought."³ Such being its function it is not at all surprising that the views expounded by the authors, who are, jointly and severally, spokesmen for the Chinese Society of International Law, reflect closely the official and diplomatic positions of the PRC. The most obvious exposition must be Zhang Hongzeng's condemnation of the U.S.-Taiwan Relations Act (pp. 189-203) whose predictable conclusion is that the Act is "unlawful, untenable and is absolutely not to be tolerated by the people of China."⁴

1. G. ZHOU, *INTERNATIONAL LAW* (1981). This book was reviewed by Hungdah Chiu in 77 *AM. J. INT'L L.* 977 (1983).

2. Taiwan Relations Act, 22 U.S.C. §§ 3301-3316 (1982).

3. *SELECTED ARTICLES FROM CHINESE YEARBOOK OF INTERNATIONAL LAW* [sic] (Chinese Society of International Law, ed. 1983) 225.

4. *Id.* at 203, 189-203.

The book is not free from anti-capitalistic political polemics and manifestations of Third World mentality.⁵ Nevertheless, such political rhetoric should not undermine the overall scholarship displayed by this group of distinguished international lawyers of the PRC. It is also interesting to observe that although the PRC recently appointed a Judge to the International Court of Justice, a leading scholar of international law in the PRC, Wang Tieya, is still critical of the role played by the ICJ.⁶

The essays are also inconsistent with regard to documentation. The two essays on PRC nationality law make no reference whatsoever to other works. Although Western literature is fairly copiously and judiciously cited, many of the citations are publications from the 1960s, or even earlier. There is a conspicuous absence of Soviet works except for citations to Lenin.⁷ That may well be a reflection of the state of library resources on international law in the PRC, at least at the time when these essays were written, or the omission may well be attributed to the divergence between Chinese and Western standards of scholarship.

*Frankie Fook-lun Leung**

5. Expressions such as the following are scattered in the text: "the present needs of China in carrying out international struggles," *id.* at 255; "Third World . . . were all oppressed, exploited and humiliated," *id.* at 13; "the Third World countries are opposed to the traditional international law characterized by imperialist and colonialist oppression and exploitation," *id.* at 19; "Capitalist countries often have formal provisions about 'liberty' and 'equality' which in reality are nothing but a fraud." *Id.* at 221.

6. *Id.* at 39. The publication of the book came before the appointment.

7. *See, e.g., id.* at 133.

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