This seminar will introduce the attitudes and practices of the People’s Republic of China (PRC) toward public international law and its institutions in a variety of contexts. After reviewing China’s traditional dominance of the East Asian order and the gradual intrusion of Western powers and public international law into the Sinocentric world, we will consider contemporary PRC views regarding such basic issues as the recognition of governments and establishment of diplomatic relations, the definition of Chinese territory (especially the Taiwan, East China and South China Seas disputes), the law of the sea as it applies in East Asia, and other issues of contemporary international law. We will devote special attention to the July 12, 2016 decision in the UNCLOS arbitration launched by the Philippines against the PRC that is having profound implications for China’s practice of international law and the world community. Students will not be expected to have background knowledge of China or international law. Guest experts will occasionally join us.

Students will be required to submit twenty-page, double-spaced research papers in lieu of an examination. JD students may use the course to satisfy their “substantial writing” (SW) requirement by producing a paper of at least 10,000 words in length. More details of the SW requirement can be found on the NYU website at: http://www.law.nyu.edu/academicservices/degreerequirements/jdprogram/writingrequirements/index.htm. To earn the additional writing credit (for a total of three credits), please make sure you have registered for “Chinese Attitudes Toward International Law - Writing Credit.”

Please do not proceed with a paper topic without specific approval from either Professor Cohen or Professor Dutton. The due date for paper submission is 5 pm, December 5, 2017. Class attendance and participation will also count toward students' course grades. We will meet on Mondays from 4:10-6:00 pm in Furman 316. Class readings will be posted under “Assignments” on a regular basis each week. There will be a folder designated for each class session. Please read the documents posted online before the class meets, as they will contribute significantly to your ability to understand and take meaningful part in the conversation. The Tentative Class Schedule below will be updated to reflect the assigned readings. It already contains assigned reading for our first class.

You can schedule a meeting with Professor Cohen to discuss your paper and other subjects by emailing him at jerome.cohen@nyu.edu. His office is Vanderbilt 310B. You can schedule a meeting with Professor Dutton for the afternoon before class meetings by e-mailing him in advance at duttonpa@gmail.com or by calling him at 617-251-5967. In all your written communications with the professors, please make sure to copy Professor Cohen’s assistant, Ms. Mina Kwon, at kwonm@mercury.law.nyu.edu.
TENTATIVE CLASS SCHEDULE

September 6, 2017  (WEDNESDAY but LEGISLATIVE MONDAY)

Week one: **Introduction**

1. What Do We Need To Know? Various Perceptions and Standpoints

2. China's Imperial Tradition: The Sino-Centric World

Readings:

For the first hour:

Amitav Acharya, Coping with the Changing World Order

Katherine Morton, The China Factor in Global Governance

Xinhua (New China News Agency), Commentary: To Enjoy the Chinese Film Wolf Warrior II, Shed Your Biases

For the second hour:


Tieya Wang, International Law in Ancient China, in INTERNATIONAL LAW IN CHINA: HISTORICAL AND CONTEMPORARY PERSPECTIVES, Recueil des Cours, Vol. 221 (1990), pp. 205-225

September 11, 2017

Week two: **Entry of Western Public International Law – From the Earliest Awareness to the Establishment of the “People’s Republic of China” (PRC) in 1949**

1. Pre-Opium War (1839) Contacts with International Law
2. From the Opium War to the Fall of the Qing (Manchu) Dynasty (1911)
3. The “Republic of China” (ROC) (1912-1945)

September 18, 2017

Week three: The “Republic of China” and International Law (1945-date)
2. Loss of UN Representation and Major Diplomatic Relationships (1971-date)
3. Innovative Protection of International Human Rights

Guest Expert: Ms. Yu-jie Chen, Law Institute, Academia Sinica, Taiwan; Affiliated Scholar, NYU US-Asia Law Institute; NYU JSD 2016

September 25, 2017  NO CLASS – MAKE-UP SESSION OCTOBER 2, 2017, 7:30 – 9:30 pm

October 2, 2017, 4:10-6 pm

Week four: The PRC’s Entry Into the World Community
1. Rejection by the United Nations (1949-1971)
2. Entry into the UN (1971) and Other International Organizations
3. Recognition and Establishment of Bilateral Diplomatic Relations Before and After UN Entry

October 2, 2017  7:30 – 9:20 pm  Make-up Session

Week five: The International Legal Status of Taiwan
1. Prior to the Outbreak of the Korean War (June 25, 1950)
2. From the Korean War to the Shanghai Communique (February 28, 1972)
3. Normalization of Relations with the United States
4. Subsequent Developments: Cross-Strait Relations and Taiwan Independence

October 9, 2017

*Week six:* Territorial Disputes in the East and South China Seas

1. The Diaoyu/Senkaku Dispute

2. The Spratly and Paracel Disputes

October 16, 2017

*Week seven:* China and the Law of the Sea

1. The UNCLOS Negotiations

2. UNCLOS and its Implementation: an Overview

October 23, 2017

*Week eight:* Sea boundaries: China’s Disputes with Japan in the East China Sea

1. Continental shelf

2. Exclusive Economic Zone (EEZ)

3. Air Defense Identification Zone (ADIZ)

October 30, 2017

*Week nine:* China’s Maritime Claims in the South China Sea

1. The ‘Nine-Dash Line,’ the Role of History, and the EEZ

2. Straight Baselines

3. Fisheries claims and regulations
4. The Status of Features and the Continental Shelf

November 6, 2017

Week ten: Progress or Regress? The South China Sea after the Arbitration

1. What did the arbitration decide?
2. What was the official PRC reaction to the arbitration?
3. Did the Philippines “Win”?
4. Will ASEAN Lead the Way Forward?
5. Reactions of Taiwan, Japan, Vietnam and the United States

November 13, 2017

Week eleven: Examples of Peaceful Sea Boundary Settlements in Asia

1. Earlier Maritime Arbitration and Litigation Practice in Asia
2. China, Vietnam and the Gulf of Tonkin
3. Japan-ROC (Taiwan) Fisheries Agreement
4. The Relevance of the India-Bangladesh Arbitration (Compare “Arctic Sunrise”)

November 20, 2017

Week twelve: China, International Human Rights and Taiwan

1. PRC Human Rights Treaty Commitments and Practice
2. PRC Abuses Against Human Rights Advocates and Lawyers
3. Human Rights in Cross-Strait Relations

Guest expert: Dr. Yu-jie Chen
November 27, 2017

*Week thirteen*: **International Economic and Environmental Cooperation**

1. PRC Participation in the WTO
2. AIIB and OBOR
3. Climate Change

December 4, 2107

*Week fourteen*: **Student Summaries of Their Research Findings**