

THE CANADIAN-CHINESE PROGRAMME IN INTERNATIONAL & COMPARATIVE LAW

A Proposal for Human Resource Development
and Technology Transfer in Legal
Training and Research

College of Law
Peking University
Beijing
China

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and

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This proposal envisages a two-stage co-operative development programme in the fields of international and comparative law, which would be undertaken by the College of Law, Peking University in Beijing, and the Faculty of Law of Dalhousie University, in Halifax, Nova Scotia. The proposal is divided into six sections with one annex. Section A sets out the human resource development and technology transfer objectives of the joint project. Section B provides background on recent legal developments in the People's Republic of China, and information about recent and existing co-operative arrangements between the two sponsoring institutions in the P.R.C. and Canada. Section C describes in general terms the modes of human resource development, and Section D the modes of technology transfer proposed to accomplish the project objectives. Section E identifies and elaborates the substantive areas of law which have been designated by representatives of the sponsoring institutions as appropriate

for development under this Programme. Section F describes the activities proposed for Phase I and an outline of potential for Phase II, while Annex contains a proposed budget for Phase I.

A. OBJECTIVES

The over-all objective of the Programme is to assist in the development of Chinese human resources in the fields of legal training and research, with a concomitant increase in Canadian expertise in Chinese law. This overall objective is to be supported by increasing technological capabilities in relation to teaching and research. With respect to teaching resources, the P.R.C. representatives have emphasized their interest in expanding the opportunities for their future law teachers to familiarize themselves with specialized areas of public and private international law, as well as selected areas of foreign and comparative law. Canadian law faculties, and Dalhousie Law School in particular, can assist in this endeavour by receiving Chinese scholars in Canada and by sending Canadian legal experts to China. Conversely, Canadian legal scholars and teachers seek greater familiarity with the Chinese legal system, as the transnationalization of law throughout the world creates the need for innovative and modern concepts of legal development. At the level of research, Chinese legal scholars wish to avail themselves of Canadian resources and research techniques, as well as engage in joint research with Canadian legal scholars in areas of mutual interest. Both in teaching and research, the potential benefits for both countries are considerable. However, expanded teaching and research in international and comparative

law is predicated upon improved technology in materials and resources. An integral part of this project is, therefore, the exchange of library materials, the translation of key legal materials, the provision of administrative support for increased teaching and research in the appropriate areas, and the application of computer and video technology in these areas.

B. BACKGROUND

Since the establishment of diplomatic relations between Canada and the People's Republic of China in 1970, the universities of the two countries have begun to develop exchange programmes in most disciplines. In the last 10 years the goal of legal development has been brought into prominence in China, both in the international and domestic spheres.

As an active member of the United Nations and other international organizations, the Chinese government has recently assigned a high priority to the teaching and study of international law. China's interest in international law has been stimulated by its decision to develop foreign trade and encourage foreign investment, under appropriate regulation, and to import western technology in many sectors of the national economy. Moreover, after its entry into UN conference diplomacy in 1972, the Chinese government has played an important part in major law-making conferences such as the Third U.N. Conference on the Law of the Sea, which was concluded in December 1982. China's interest in international law is reflected, still more recently, in the 1984 announcement of its willingness to participate in the work of the International Court of Justice. In 1983

the Department of Law of Peking University established the Institute of International and Comparative Law under the directorship of Professor Wang Tie-ya, and in the autumn produced the inaugural volume of the Chinese Yearbook of International Law (in Chinese).

Over the same period both the Chinese government and the Chinese Communist Party have also assigned a high priority to legal development in the domestic sphere as an important part of the overall process of modernization. Important constitutional changes took place in the late 1970's, culminating in the promulgation of a new state Constitution in 1981. Major organic laws have been enacted with a view to solidifying the court structure and the procuracy, and developing various areas of Chinese law, such as criminal law, criminal procedure, and economic law. This expansion of statutory law has coincided with a dramatic nation-wide effort to create many thousands of lawyers as expeditiously as resources permit. After a period of prolonged closure during the Cultural Revolution, the law faculties at over a dozen universities have been re-opened and expanded with revised programmes of instruction. Throughout China these law faculties are now seeking appropriate modes of co-operation with law faculties in other countries. In addition to the mutual education and cultural benefits available from such exchanges, it is hoped that the Chinese nation's drive to develop its own legal system can be assisted materially through economic and physical assistance from friendly countries such as Canada. The development of high calibre human resources in the field of law is seen to begin at the level of law teachers and graduate law

students through co-operative programmes focussing on designated areas of mutual interest in comparative as well as international law.

Modest steps in this direction have already been taken by Dalhousie Law School and the College of Law of Peking University. Several Dalhousie Law School faculty members have maintained a serious research interest in and professional contact with the P.R.C. over the past number of years. Professor Douglas M. Johnston has done extensive teaching and research in Chinese studies and international law issues relating to the P.R.C. since 1965, and was one of the first Canadians to visit China in the new period of Canadian-Chinese relations. Professor R. St. J. Macdonald visited the Law Department of Peking University as a special lecturer in international law for a period of six weeks in the spring of 1980, and has participated in a study of Chinese universities for UNESCO in 1982 and 1985. Professor Bruce P. Archibald has been involved in comparative law teaching and research relating to the P.R.C. since 1975, and attended a conference on comparative law, sponsored by the Ford Foundation and the Chinese Academy of Social Sciences in Beijing in 1982. Professor Philip Girard, who teaches Comparative Law at Dalhousie Law School, did post-graduate studies involving law in the P.R.C. and is presently engaged in research on Canadian agricultural law. A recent graduate of Dalhousie Law School, Mr. Fritz Klein, is now studying in Beijing. On the Chinese side, the College of Law of Peking University is certain to play a pre-eminent role in the modernization of China's law faculties. In the last six years, the College has developed significant links with Dalhousie Law School. Professor Wang Tie-ya, the Director of International and Comparative Law Institute of

Peking University, has presented lectures at Dalhousie Law School on two occasions (in 1981 and 1984), and the late Chen Tiqiang of the Law Department of Peking University also lectured at Dalhousie in 1979. In 1984 Professor Luo Hao Cai, Associate Dean and Professor of Constitutional Law of the College of Law visited Dalhousie Law School with Professor Shao Jin, Professor of International Law. Dalhousie Law School has welcomed to its LL.M. programme seven graduate students from the P.R.C. over the past four years, one of whom is now enrolled in the J.S.D. programme. Three of the others have graduated with a Dalhousie LL.M. and returned to take up academic appointments at Peking University. In the course of these relations, representatives of its sponsoring institutions have made an assessment of the human resource development needs and the capabilities on both the Chinese and Canadian sides, and this assessment has culminated in the present proposal.

C. MODES OF HUMAN RESOURCE DEVELOPMENT

Attainment of the human resource development objectives described in Section A will require co-operation in various modes, including the exchange of personnel, and support for individual and joint research projects.

1. Exchange of Scholars/Research Personnel

The exchange of personnel may usefully be undertaken at both senior and junior levels.

(a) Faculty Exchanges: Exchanges of senior faculty and research personnel will achieve a number of purposes. They will enable the host

institution to receive the benefit of the guest's knowledge and expertise through lectures, seminars and other kinds of discussions, while giving the guest an opportunity to undertake preliminary research or to advance his or her studies through direct access to source materials and resource persons in the host country.

(b) Student Exchanges: The experience of the host institutions to date has demonstrated, above all, the value of student exchanges. Exchanges at the graduate level enable mature students to familiarize themselves with the legal system of the host country, while carrying out in-depth research in a specific area. Both institutions hope that these students on their return home may be encouraged to undertake individual and/or joint research in appropriate areas of international and comparative law, building on their understanding of the technical features and policy perspectives of the other legal system. Returned students at Peking University form the nucleus of a group of scholars in international and comparative law who could conduct such activities under the Programme in Beijing.

It may also be valuable for some undergraduate law students to take advantage of exchange opportunities under the Programme. Specialized graduate training does not give a foreign student exposure to the host country's legal system as a whole. To develop scholars capable of thorough and insightful studies in comparative law it will be necessary to train a limited number of outstanding students through immersion in the complete LL.B. programme, or its Chinese equivalent. The development of comparative

law research capability at Peking University may be assisted by arrangements for such students to undertake training in Canada's domestic legal system under Dalhousie Law School's LL.B. programme.

2. Research and the Dissemination and Exchange of Research Results

Within the context of the proposed Programme, research will be carried on at three levels: individual research, (national) team research and joint (or "bi-national") team research. Individual research will consist of the scholarly activities of a single scholar exploring a particular international or comparative law topic with the support of Programme resources. Team research will consist of a Programme-supported research project undertaken by a group of scholars from one of the sponsoring institutions. Joint team research, which is a most important aspect of the Programme, will consist of a Chinese co-operative research undertaking involving one or more scholars from, or associated with, both sponsoring institutions.

The need for dissemination and exchange of research results would be emphasized with a view to making the benefits of the Programme available to all interested persons in both countries, through conference activities as well as publications. Priority would be given to the preparation of teaching materials based on these research results and, in appropriate cases, to the translation of research data and/or results into the other language - especially of English-language materials into Chinese.

D. MODES OF TECHNICAL SUPPORT AND TECHNOLOGY TRANSFER

In order to realize the potentiality for human resource development

implicit in the proposed Programme, certain modes of technical support and assistance are necessary. Technology transfer in the field of legal training and research falls under six heads:

1) Library development; 2) Bibliography; 3) Translation of important texts and materials; 4) Publication of important texts and materials; 5) Computer-assisted instruction; 6) Audio-visual aids and teleconferencing.

1. Library Development

The law library is the key to improvement of teaching and research in law. It is the equivalent of the laboratory in the natural sciences. The international and comparative library resources of the College of Law at Peking University need to be strengthened, as does the infra-structure to organize and service collections in these and other areas. Technical support in this area would consist of personnel training, systems development, and collections development. The School of Library Science and the Law Librarian of Dalhousie University are capable of undertaking the training of library personnel for the College of Law at Peking University. In conjunction with such personnel, an assessment would be made of the collections at the College with a view to modernizing the system of library services delivery commensurate with a proposed increase in library holdings. The final element in this would be the funding of library acquisitions in the designated subject areas of need, primarily, in relation to international and comparative law with an emphasis on materials published in Canada or obtained through Canadian publishers. Since the College of Law at Peking University is intended to become the national

centre for Chinese legal scholars and researchers, the strengthening of its library will serve national as well as regional purposes in the years ahead.

2. Bibliography

Of particular value to teaching, research and library development is a critical survey of treaties, statutes, court decisions, texts, and other legal materials in the designated subject areas. The creation of annotated bibliographies in international, foreign and comparative law is a key aspect of technical support for this project, particularly in light of the teaching, research and library development needs of the College of Law at Peking University.

3. Translation

The translation from Chinese to English or French, and vice-versa, of important primary source materials, as well as major treatises, is absolutely essential to the viability of the human resource development aspect of the project. Those involved in exchanges and joint research must have access to materials in the relevant language. While sophisticated research will require work on documents in the original languages, much of the initial exchange training and the dissemination of the results of in-depth research will require translation services to be fully effective. The current effort to develop teaching programmes in the Chinese law schools is crippled by the lack of foreign teaching materials. The provision of Chinese translations of major works and key documents of foreign origin would be a significant contribution to the development of Chinese legal education.

4. Publication

The translation services referred to above will be applied to existing teaching and research materials to some extent. However, the greater part of the translation effort must be devoted to the results of research from the participants in order to meet continuing needs of legal training and legal research. These translated materials must, therefore, be published for wide dissemination both inside and outside China in order to ensure the widest possible audience for the products of the project, and to ensure that the investment in translation "pays dividends".

5. Transfer of Computer Technology

The use of the computer in relation to legal training, legal research, communications and data storage/retrieval is becoming ever more entrenched in Canadian law schools and among Canadian legal professionals. Students from the P.R.C. are being exposed on a casual basis to computer technology at Dalhousie Law School right now. It is of importance to law schools in the P.R.C. to adapt computer-assisted instruction techniques and computerized legal research to Chinese needs. Personnel experience in these areas at Dalhousie Law School are available to assist counterparts in the P.R.C. in assessing the potential applicability of this technology in the Chinese context. Furthermore, Professor Jennifer Bankier at Dalhousie Law School is directing a major project on joint computer assisted research and computer conferencing. With the installation of appropriate hardware and accompanying software packages in the P.R.C., these techniques can alleviate many of the difficulties of Chinese and Canadian researchers

attempting to collaborate in geographical locations which are half a world apart and in "opposing" time-zones. Finally, introduction of computer facilities in Peking for these purposes would greatly facilitate the library development component of this project.

6. Audio-Visual Aids and Tele-Conferences

The ever-expanding use of video-tape technology has particularly useful applications in cross-cultural human resource development. Canadian scholars are being asked to give lectures and present the results of research in the P.R.C., just as Chinese scholars are doing in Canada and elsewhere. These important exchanges are limited to a few stops on a brief itinerary and to restricted audiences. Videotaping these presentations, and making available appropriate play-back facilities, can vastly broaden the impact of the results of this project. Moreover, videotape technology is an important part of clinical legal education in Canada, and such pedagogical techniques may find application in the P.R.C. as well. Some sources of this project will then be allocated to explore these issues.

E. DESIGNATED SUBJECT AREAS

Consultations between the sponsoring institutions over the last three years have resulted in a general understanding of the areas of mutual interest. Accordingly, the following areas are designated for special attention under the Programme:

1. International Law

(a) International Institutions: This term is intended to refer to the entire organizational apparatus underlying the system of international

law. Both sponsoring institutions have, of course, a special interest in the structure and operations of the family of UN organs and agencies operating within the framework of the UN Charter and associated legal instruments. There is also a particular interest in the work and procedures of international judicial organs both inside and outside the UN system.

(b) Ocean Development and Management: This area has been of special interest to China as well as Canada throughout the period of the UN Seabed Committee and the Third UN Conference on the Law of the Sea (1968-1982). Peking University has shown considerable interest in the law of the sea research developed at Dalhousie in general and by Dalhousie Ocean Studies Programme in particular. Three of the Chinese students who have conducted graduate studies at Dalhousie are specialists in the law of the sea and wish to maintain their research in this area.

(c) International Environment Law: Since participating in the UN Conference on the Human Environment at Stockholm in 1972, China has been one of many countries expressing concern about environmental issues at national, regional and global levels. Given Canada's international prominence in the context of environmental law and policy, this area has also been designated for the development of Chinese-Canadian co-operative research under the Programme, framed around the environmental law priorities identified by the United Nations Environment Programme (UNEP) for the 1982-1992 period.

(d) International Economic Law: On many occasions both China and Canada have expressed interest in the global economic issues addressed by

such bodies as UNCTAD and GATT. Scholars of both countries would benefit from an opportunity to exchange ideas and information about these problems and issues in economic and commercial context of mutual interest or concern.

(e) Regulation of Technology in Space: Chinese lawyers are rapidly developing their expertise in this field, which is of increasing importance in Canaa, the host state in the field of international aviation (ICAO and IATA) and an active participant in the advancement of space science and technology. China and Canaa are now successfully working together on satellite communication systems. It would be appropriate for awyers from both countries to broaden their cooperation to include the emerging legal regime for space and outer space.

(f) Sports and Culture: Canada has had considerable experience with the legal, political, diplomatic, administrative and other problems associated with the hosting of major international sports events. Both Canada and China have engaged intensively for many years in various kinds of cultural exchanges involving museums, art galleries, orchestras, ballet companies, opera companies, circuses, acrobats, and artists of many kinds. Both Law Schools are interested in a joint research project focussing on some of these problems, in cooperation with the appropriate government agencies of both countries and with the relevant international federations and organizations. Such a project would be designed along multi-disciplinary lines, so that the problems will be studies in a "real world" context. This cooperative study would coincide with a period when China

is planning to increase its involvement in various international sports events.

2. Comparative Law

(a) Legal Development: Because of their different cultural, political and economic systems, each of the sponsoring institutions is anxious to understand the legal heritage of the other and to appreciate its contribution to the theory and history of legal development around the world. Both institutions have introduced courses in legal development or legal systems for their undergraduate students, and both wish to advance studies within a broad comparative - historical - jurisprudential framework. In the process of such studies each institution expects to gain immensely by working co-operatively with the other under this Programme.

(b) Constitutional Law: Both China and Canada have recently emerged from a period of constitutional revision, and have embarked on a course of experimentation. Just as Canada has become the latest "laboratory" for constitutional innovation in the capitalist world, so China has become a paradigm of constitutional change in the socialist world. Under an appropriately designed co-operative project it is believed that Canadian and Chinese constitutional lawyers can learn much of interest and value from one another.

(c) Administrative Law and Regulatory Practices: Despite basic differences in their economic systems, China and Canada have become heavily dependent on a massive bureaucracy to regulate a wide range of economic activities, whether public or private. In certain sectors of industry and

technology - which will be designated later - it is believed to be useful to compare or contrast the different conceptual and institutional approaches to the tasks of public regulation in Chinese and Canadian society today.

(d) Economic Law: In recent years Canada and China have exchanged many delegations with a view to exploring the prospects of developing economic and commercial relations. Each wishes to promote the exchange of appropriate technologies, products, skills and services. It is most timely for the legal scholars of the two countries to work co-operatively on research in areas such as insurance, credit, patent and copyright, commercial arbitration, and the regulation of foreign investment.

(e) Criminal Law: Since the late 1970's China has produced important new legislation, in codified form, in the areas of criminal law and criminal procedure, and much thought has been given to issues related to the process of prosecution. In Canada, hundreds of scholars, judges and law reform commissions have been wrestling with basic issues concerning the rights and responsibilities of individuals within the new framework of the Canadian Charter. This area of high priority in both countries is agreed to be a natural designation for co-operative research under the Programme.

(f) Family Law: Both countries have witnessed important social changes at work within and around the traditional family unit. Both societies seem to be seeking affirmation of the newly expanded role of women in general and a consequent clarification of the relationship between husband and wife. Similarly, teenage children in both societies present a

range of social or moral issues which may be usefully compared within the context of legal tradition and legal system.

(g) Natural Resources and Environment: Problems of resource development and environmental protection have been assigned a higher priority on the Chinese national agenda in recent years, and, like Canada, China is currently concerned with the development of appropriate regulatory controls. Both sponsoring institutions believe that their own country would benefit from a cooperative study designed to compare developments in these fields. Dalhousie Law School has given special attention to the area of Environmental Law through the establishment of its Marine and Environmental Law Programme (MELP) in 1974.

F. IMPLEMENTATION

I. PHASE I (1986-1989): PLAN OF ACTIVITIES

1. Introduction

The Programme is designed in two distinct phases. The first phase would begin on April 1st, 1986, and would end three years later, on March 31st, 1989. The purpose of the first phase in relation to human resource development and technology transfer is four-fold:

- (i) to initiate exchange arrangements for legal scholars and researchers, law teachers, and law students associated with the two institutions;
- (ii) to initiate and complete preliminary training and research projects in areas of mutual interest to the two institutions;

(iii) to provide preliminary technical support for the programmes in International and Comparative Law at the College of Law of the University of Peking;

(iv) to make preparatory arrangements for the conduct of training and research projects and programmes (subject to subsequent funding) in phase II of the Programme.

It is intended that, with additional funding, phase II would begin immediately at the end of phase I. It is hoped that some or most of the phase II activities would be carried out in co-operation with interested institutions in China and Canada other than the two sponsoring institutions.

2. Human Resource Development

(a) Exchange Arrangements

It is proposed that the sponsoring institutions undertake the organization of exchanges and visits along the lines suggested below:

(i) Law Students: Over the first three-year phase of the Programme, Dalhousie Law School would be able and willing to accept suitably qualified students from the University of Peking College of Law for full-time instruction in its three degree programmes, viz.:

two LL.B. candidates (1986-89)	2
two LL.M. candidates (1986-88)	2
two LL.M. candidates (1987-89)	2
two LL.M. candidates (1988-89)	2
two J.S.D. candidates (1986-89)	<u>2</u>

Over the same period the University of Peking College of Law would be able and willing to accept suitably qualified students from Dalhousie Law School for full-time instruction on a regular degree or a special non-degree basis, viz.:

one special student (1986-87)	1
one special student (1987-88)	1
one special student (1988-89)	<u>1</u>
total	<u>3</u>

(ii) Teachers/Researchers/Librarians: Over the initial three-year period of the Programme, it is proposed that members of each of the two institutions visit the other, for periods of time ranging from one month to one year, in order to carry out a combination of teaching and research activities and to make themselves available for consultation on the organizational or co-ordinative aspects of the Programme. Each of the visitors will be chosen with a view to his or her involvement in one of the training or research subject areas designated under the Programme or by reason of his or her administrative responsibilities. The exchanges in Phase I of the Programme will take five forms: visits, special leaves, forums, symposium, and a teleconference.

Visits: It is proposed that each semester (that is both "fall semester" between September and December and "spring semester" between January and April) in all three years of Phase I the two sponsoring institutions will exchange visits by individual members of the teaching/research/library staffs for periods of not less than one month and

not more than four. In each case the visitor will be chosen from one of the designated subject areas, and normally his or her responsibilities will include both teaching and research activities in the host institution.

Special Leaves: It is proposed that both in the second and third years of Phase I (that is, between April 1987 and March 1988 and between April 1988 and March 1989) each of the two sponsoring institutions will arrange for visiting professors from the other institutions to spend an extended period of teaching and research in residence, so as to permit in-depth involvement in a cooperative project within one of the designated subject areas. These visiting professorships will last not less than six months and not more than twelve.

Forums: It is proposed that both in the first and second years of Phase I (that is, between April 1986 and March 1987 and between April 1987 and March 1988) the two sponsoring institutions will exchange visits by groups drawn from the teaching/research/library staffs in order to participate in a two-week forum. The groups will consist of five persons chosen from the designated subject areas. All members of the group will participate in a two-week programme consisting of four kinds of activities: lectures to students; seminars for advanced students; joint research consultations with specialists in the host institution; and a three-day workshop on topics of joint interest.

Symposia: It is proposed that early in the third year of Phase I (say, between May and July 1988) the two sponsoring institutions will hold

symposia designed to bring together Chinese and Canadian specialists in two of the designated subject areas in order to have expert level exchanges of views on topics which have been researched under the Programme. These symposia would be held in Beijing and Ottawa. Their primary purpose would be to help prepare the documentation required for the proposed teleconference (infra). It is proposed that each sending country would contribute four specialists as participants in the symposia. Presentations of papers would be made by these four specialists from the host country who have been engaged in research under the Programme. Others, drawn from other institutions in host country, would be invited as commentators, and their critiques would become inputs into the joint research projects conducted by the two sponsoring institutions.

Teleconference: It is proposed that at the end of Phase I (that is, in the Spring of 1989) the two sponsoring institutions will organize a public conference for experts, lawyers, and other interested persons by means of instantaneous audio-visual telecommunications between China and Canada. The theme of the teleconference, to be held simultaneously in Ottawa and Beijing, will be similar to that of the symposium (supra). The purpose of the teleconference is to "bring together" for the first time a significant number of Chinese and Canadian lawyers (and related persons) with professional interest in one another's legal system and current legal developments. It is anticipated that participants and registrants would be drawn from universities, governments and the legal professions. Fees for registration would be charged.

Summation

The total number of participants envisaged for this exchange is as follows:

<u>Visits:</u>	two Chinese and two Canadian visitors each year	12
<u>Special Leaves:</u>	one Chinese and one Canadian visiting professor each year for two years	4
<u>Forums:</u>	one Chinese and one Canadian five-member group each year for two years	20
<u>Symposium:</u>	one host and one guest group of experts (once)	16
<u>Teleconference:</u>	unknown number of paying registrants	—
		<u>52</u>

(b) Preliminary Training and Research Projects

It is proposed that in Phase I the Programme will focus on six of the subject areas of mutual interest which are designated above: 3 in the field of international law and 2 in comparative law.

a) International Law:

- (i) Ocean Development and Management; (ii) International Institutions (with special reference to international judicial tribunals); and (iii) International Economic Law.

b) Comparative Law:

- (i) Comparative Criminal and Constitutional Law;
- (ii) Comparative Economic Law (with special reference to the regulation of foreign

investment); and (iii) Natural Resources and Environmental Law.

The three projects in international law would be the special responsibility of Professors R. St. J. Macdonald and D.M. Johnston with their associates at Dalhousie Law School and Professors Wei Mei and Wang with their associates at Peking University. The three projects in comparative law would be the special responsibility of Professors B.P. Archibald and P.V. Girard with their associates at Dalhousie Law School, and Professors Luo Hao Cai and Liu Bao Long with their associates at Peking University. Details regarding these projects are subject to further negotiations between the sponsoring institutions.

3. Technical Support and Technology Transfer

It is proposed that the first steps should be taken in Phase I to implement the modes of technical support and technology transfer identified in Section D, although full development in some of these areas might await Phase II of the project. The specific proposals for Phase I are as follows:

1) Library Development

- Working Visit from Wiktor
- Training for Chinese Librarian at Dalhousie Law School

2) Bibliography

- Contributions from all researchers involved
- Joint compilation by Wiktor/Chinese participant with 2 research assistants?

- 3) Translation
 - Costs?
 - Articles?
- 4) Publication
 - Costs?
- 5) Computer-Assisted Instruction
 - Visit by Jennifer? 1987?

F. PHASE II (1987-1990): PROSPECTS OF PROGRAMME DEVELOPMENT

It is, of course, one of the purposes of Phase I to create contracts and develop linkages between the personnel of the two sponsoring institutions which will enable a more detailed schedule of co-operative activities to be designed and implemented in Phase II. It is hoped that such a schedule will involve other interested institutions in Canada and China. In this preliminary document, it is not possible to provide more than a sketch of Phase II ideas and aspirations.

As to exchanges, it is hoped that arrangements similar to those tried and found most useful in Phase I will be continued in Phase II, hopefully on a larger scale so that other interested institutions in Canada and China can become involved.

Research projects of the three kinds envisaged - individual, team, and joint team - will be proposed for Phase II under most, if not all, of the thirteen designated subject heads. Special efforts will be made to design and develop projects in those designated areas which are not included in Phase I of the Programme. It is expected that other interested

institutions will wish to participate in some of these projects, and in Phase I the Programme co-ordinators in the two sponsoring institutions will endeavour to secure their participation in Phase II.

It is hoped that Phase II will be featured by a series of Canada-Chinese symposia (or workshops) and on larger conference, which would serve as the natural kind of forum for the exchange of ideas and findings resulting from the research done under the Programme. Tentatively, it is suggested that four of such events might be scheduled for Phase II:

(a) International and Comparative Economic Law:

Autumn 1989 in Canada

(b) Institutional Issues in International Law:

Spring 1990 in China

(c) The Theory and History of Legal Development:

Autumn 1991 in Canada

(d) Comparative Perspectives on Chinese and Canadian Law:

Spring 1992 in China

ANNEX A
BUDGET - PHASE I
YEAR 1 - 1986-87

	CIDA	HOST
I SALARIES:		
A. Visiting Professors		
B. Individual Visits - 2 @ \$9,000	\$ 18,000	
C. Co-ordinators (Part-time)		Dal/Beijing
D. Secretaries (Part-time)		Dal/Beijing
II STUDENT SCHOLARSHIPS (Tuition/Living Expenses)		
A. Graduate Students - 2 LL.M./2 J.S.D. @ \$9,000	\$ 36,000	
B. Special Students - 1 (Cdn. in Beijing)	\$ 5,000	
C. Undergraduates - 2 LL.B. @ \$,9000	\$ 18,000	
III SPECIAL GRANTS		
A. Translation, Bibliography, Publication	\$ 10,000	
IV LIVING COSTS/ACCOMMODATION - (Group Visits)		
A. Forum - Beijing	\$ 5,000	
V TRAVEL (All purposes)		
A. International -		
(1) Students - 7 @ \$3,000	\$ 21,000	
(2) Forum - 5 @ \$3,000	\$ 15,000	
(3) Visits - 2 @ \$3,000	\$ 6,000	
B. Domestic -		
(1) In China - \$1,000	\$ 1,000	
(2) In Canada - \$3,000	\$ 3,000	
VI EQUIPMENT AND MATERIALS		
A. Library Acquisitions - Beijing	\$ 10,000	
VII OFFICE SUPPLIES AND SERVICES		
A. Services & Accounting		Dal/Beijing
B. Long Distance Telecommunications	<u>\$ 2,000</u>	
TOTAL	<u>\$150,000</u>	

BUDGET - PHASE I (Continued)
YEAR 2 - 1987-88

	CIDA	HOST
I SALARIES:		
A. Visiting Professors - 1 @ \$9,000 (P.R.C.); 1 @ \$6,500 (Cdn.)	\$ 15,500	
B. Individual Visits - 2 @ \$9,000	\$ 18,000	
C. Co-ordinators (Part-time)		Dal/Beijing
D. Secretaries (Part-time)		Dal/Beijing
II STUDENT SCHOLARSHIPS (Tuition/Living Expenses)		
A. Graduate Students - 2 @ \$9,000 (LL.M.)	\$ 18,000	
B. Special Students - 1 @ \$5,000 (Cdn.)	\$ 5,000	
C. Undergraduate		
III SPECIAL GRANTS		
A. Translation, Publication	\$ 10,000	
B. Library and Law School Management Project	\$ 10,000	
IV LIVING COSTS/ACCOMMODATION - (Group Visits)		
A. Forum - Halifax	\$ 10,000	
V TRAVEL		
A. International -		
(1) Students - 3 @ \$3,000	\$ 9,000	
(2) Forum - 5 @ \$3,000	\$ 15,000	
(3) Visits - 4 @ \$3,000	\$ 12,000	
B. Domestic -		
(1) In China - \$2,000	\$ 2,000	
(2) In Canada - \$3,000	\$ 3,000	
VI EQUIPMENT AND MATERIALS		
A. Library Acquisitions - Beijing	\$ 6,500	
VII OFFICE SUPPLIES AND SERVICES		
A. Services & Accounting		Dal/Beijing
B. Long Distance Telecommunications	<u>\$ 2,000</u>	
TOTAL	<u>\$136,000</u>	

BUDGET - PHASE I (Continued)
YEAR 3 - 1988-89

	CIDA	HOST
I SALARIES:		
A. Visiting Professors - 1 @ \$6,500 (Cdn.); 1 @ \$9,000 (P.R.C.)	\$ 15,500	
B. Individual Visits - 2 @ \$9,000	\$ 18,000	
C. Co-ordinators (Part-time)		Dal/Beijing
D. Secretaries (Part-time)		Dal/Beijing
II STUDENT SCHOLARSHIPS		
A. Graduate Students - 2 @ \$9,000 (LL.M.)	\$ 18,000	
B. Special Students - 1 @ \$5,000 (Cdn. in China)	\$ 5,000	
C. Undergraduates		
III SPECIAL GRANTS		
A. Translation/Publication	\$ 10,000	
B. Computer Applications in Legal Training & Research	\$ 9,000	
C. Teleconference	\$ 16,000	
IV LIVING COSTS/ACCOMMODATION		
A. Symposia - \$4,000	\$ 4,000	
V TRAVEL		
A. International -		
(1) Students - 3 @ \$3,000	\$ 9,000	
(2) Symposia - 8 @ \$3,000	\$ 24,000	
(3) Visits - 4 @ \$3,000	\$ 12,000	
B. Domestic -		
(1) In China - \$2,000	\$ 2,000	
(2) In Canada - \$3,000	\$ 3,000	
VI EQUIPMENT AND MATERIALS		
A. Library Acquisitions, Typewriters, Copiers	\$ 5,000	
VII OFFICE SUPPLIES AND SERVICES		
A. Supplies, Services, Accounting		Dal/Beijing
B. Telecommunications	<u>\$ 2,500</u>	
TOTAL	<u>\$153,000</u>	

March 21, 1985


Marc Dolgin, Esq.
Director General
Institutional Cooperation and
Development Services Division
Canadian International Development Agency
200, Promenade du Portage
Hull, Quebec
K1A 0G4

Dear Mr. Dolgin:

On behalf of President MacKay I
acknowledge receipt of your letter of March 18 with enclosed agreement
between Dalhousie University and CIDA relating to Phase II of the
International Law Exchange project. As requested, I am returning to you
the original copy of your letter signed by President MacKay on behalf of
Dalhousie University.

For the University and those colleagues
in the Faculty of Law involved with this project, may I express our
appreciation for CIDA's support of this exchange programme with Beijing
University.

Yours sincerely,



Alasdair M. Sinclair
Vice-President (Academic & Research)

c

cc: Dean W.H. Charles
Professor R. St.J. Macdonald ✓
Dr. R. O. Fournier



Agence canadienne de
développement international

Canadian International
Development Agency

Hull (Québec)
Canada
K1A 0G4

Hull, Quebec
Canada
K1A 0G4

Rec'd Mar 20/8

March 18, 1985

Votre référence Your file

Notre référence Our file
338-90/D1-26-2 Phase

Dr. W. Andrew Mackay
President
Dalhousie Law School
Dalhousie University
Halifax, Nova Scotia
B3H 4H9

Dear Dr. Mackay:

Subject: Agreement between Dalhousie University and CIDA:
Re: International Law Exchange - Phase II

I am pleased to advise you that a contribution of \$37,540 has been approved by CIDA for the project, as outlined in your proposal attached as Annex D of this letter. The contribution is subject to the terms and conditions outlined in Annexes A, B and C attached to this letter.

The returning to me of an original signed copy of this letter will signify your agreement to the terms and conditions. A cheque covering our first payment in the amount of \$35,640, as mentioned in Annex C, will be issued to you promptly.

Many Canadians are not aware that overseas development assistance, through CIDA, involves the participation of so many Canadian individuals and institutions such as yours. The public would no doubt be interested in knowing that government funding of this project will not only produce benefit for people in developing countries but also produce employment and other benefits in our own country. In this light, might we ask that you make mention of CIDA's involvement in any publications, speeches or press releases regarding this project. This would do much to increase Canadian understanding of the international development process.

.../2

Canada

May I take this opportunity to wish you every success with your project.

Yours sincerely,

for Paul Hoff

Marc Dolgin
Director General
Institutional Cooperation and
Development Services Division

The terms and conditions outlined in Annexes A, B, C and D of this letter are accepted.

NAME:

William Thayer

DATE:

20 March 85

TITLE:

President and Vice-Chancellor

ORGANIZATION:

Dalhousie University

TERMS AND CONDITIONS OF A CIDA/ICDS CONTRIBUTION

In accepting a contribution from CIDA/ICDS Division, your organization agrees to the following terms and conditions:

1. To sponsor the project/program under the terms and conditions outlined in the request for a contribution and as agreed to by CIDA.
2. (a) To use the funds contributed by the Canadian International Development Agency in support of the budget of your organization's project or program noted in the covering letter. The budget which is attached as Annex "B" forms an integral part of this agreement.

(b) To inform CIDA in writing and in advance of all major modifications to the project/program and to the budget.

(c) To return to the Receiver-General of Canada via CIDA any funds contributed by CIDA which are not disbursed or accounted for, under the terms of the project/program agreed to by CIDA taking into account the funding ratio agreed to.
3. To maintain such accounting records that the funds administered for the project/program, including disbursements against the funds received, can be clearly identified and verified.
4. To prepare and submit to CIDA both interim and final program and financial reports according to the report schedule in Annex "C" outlining the actual results achieved, in relation to the goals and objectives outlined in the submission for the period ending on the report date, signed by the Executive Director or his representative. The appropriate reporting format should be used for reporting. (See Annex "B")
5. To provide at CIDA's request, for financial and/or operational audit purposes, by CIDA or its representatives:
 - (a) All relevant records, documents and statements held by the Canadian institution pertaining to the project program.
 - (b) All receipts and cancelled cheques, as well as customs documents, bills of lading and other relevant documentation respective of equipment or goods purchased in Canada and transferred to the project/program.

6. To send official receipts to CIDA/ICDS Division for all cheques issued by CIDA.
7. When applicable, to send copies of bank drafts or cancelled cashed cheques or their equivalent to CIDA/ICDS as proof that funds have been transferred to the project/program in the field or to the central body responsible for the project/program.
8. To provide a contribution to the project/program as outlined in your request and agreed to by CIDA and indicated in the budget attached as Annex "B".

The Canadian International Development Agency agrees:

1. To make a first payment to your organization on a project/program basis in accordance with the payment schedule outlined in the attached Annex "C".
2. To make further payments according to the payment schedules in Annex "C" of this letter subject to receipt of satisfactory program and financial reports required under Annex "C" and subject to funds being approved by Parliament.
3. To transfer, upon receipt and approval of a final program and financial report, a final payment noted in the payment schedule set out in Annex "C" of the Agreement Letter.

B U D G E T

<u>Expenses</u>	<u>Beijing University</u>	<u>Dalhousie University</u>	<u>CIDA</u>
Two trainees for one year			
- airfare Beijing-Halifax at \$1500 x 2 persons	3,000		
- airfare and living expenses as per schedule A			29,540
- educational counselling (in kind)		5,000	
- joint publications/ faculty exchanges	3,000		7,500
- communication costs			500
- project support (in kind)	4,000	4,000	
	<u>\$ 10,000</u>	<u>\$ 9,000</u>	<u>\$ 37,540</u>

Income

Beijing University	10,000
Dalhousie University	9,000
CIDA	37,540
	<u>\$ 56,540</u>

SCHEDULE A

A trainee in Canada for one year

Settling in Allowances (\$55 X 14 days)	770
Clothing Allowances	450
Orientation costs	1,400
Living Allowance (\$550 X 12 months)	6,600
	1,500
Book Allowance	1,000
Educational Allowance	1,000
Excess Baggage	350
Transit Allowance (\$100 X 2 days)	200
Airfare (Halifax-Beijing)	1,500
	<hr/>
	\$ 14,770

PAYMENT AND REPORT SCHEDULE AND SPECIAL CONDITIONS

1. Payment Schedule - 1st : \$35,640 - upon approval
2nd
3rd
4th
Final \$ 1,900 - December 1, 1986

2. Report Schedule - Interim
Interim
Interim
Interim
Final

3. Special Conditions

This CIDA contribution in support of the 1985/86 activities of the Dalhousie/Beijing legal exchange should not be interpreted as a commitment on part of CIDA to support that exchange programme on a long-term basis. Should Dalhousie wish CIDA to support similar exchange activities in subsequent years it will have to apply again for funds and compete with other project proposals for the funds available.

SUPPLEMENTARY INFORMATION

File : 338-90/D1-26-2

Title : International Law Exchange

Organization: Dalhousie University

Objective : The objective of this project is to assist China in its attempt to build a legal framework for its economic modernization.

Background : The idea for the proposed exchange programme between Dalhousie and Beijing Universities had its origin on the visit of Professor R. St. J. Macdonald to Beijing in 1980 and again in 1982. Also Professor Tiqiang and Professor Wand-Tie-yu, the latter now head of the Institute of International Law at Beijing University, visited Dalhousie. As of 1985, three graduate students from Beijing University have been trained in Halifax and two others are completing graduate courses. A Dalhousie Law student has been to Beijing and several articles on Chinese legal affairs have been published in English in Canadian legal journals. However, it is now impossible for Dalhousie to continue this linkage without some outside financial assistance.

Beijing University was founded in 1898 and has a long tradition of scholarly excellence. Its primary mission is to train people to do research and to teach in other colleges and universities. It has an enrollment of about 20,000 students. Its Faculty of Law is the premier law faculty in the country.

Means to achieve the objectives : This project will provide funding one year of exchange between the two universities which will be devoted to four purposes -

- 1) the prevision of graduate training for two Beijing University junior law faculty at Dalhousie University;
- 2) the exchange of library materials related to the legal systems of the two countries;
- 3) the exchange of articles on matters of interest to the legal and commercial communities of the two countries;
- 4) the joint publication of articles on various legal topics of common interest;
- 5) selected Canadian faculty lecturing on their legal specialities in Beijing;

The exchange will focus on international law and comparative law.

Results
expected

- : In a modest way this project should result in the strengthening of Beijing University's Legal Faculty. It will also enhance Dalhousie's understanding of the Chinese legal system.

Prepared by Peter Hoffman



Agence canadienne de
développement international

Canadian International
Development Agency

Hull (Québec)
Canada
K1A 0G4

Hull, Quebec
Canada
K1A 0G4

December 5, 1984

Votre référence Your file

Notre référence Our file

338-90/D1-26

RECEIVED
OFFICE OF THE PRESIDENT

DEC 13 1984

Dr. W.A. MacKay,
President,
Dalhousie University,
Halifax, N.S.
B3H 4H6

DALHOUSIE UNIVERSITY

Dear Dr. MacKay:

Subject: Agreement between Dalhousie University and CIDA
re: International Law Exchange

I am pleased to advise you that a contribution of \$1,550 has been approved by CIDA for the above project. The contribution is subject to the terms and conditions outlined in Annexes A, B and C attached to this letter.

The returning to me of a signed copy of this letter will signify your agreement to the terms and conditions. A cheque covering our first payment in the amount of \$1,050, as mentioned in Annex C, will be issued to you promptly.

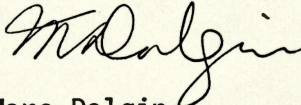
I would draw your particular attention to provisions 6 and 7 of Annex A, stating the need for your organization to send us receipts and proof of transference of funds.

Both CIDA and agencies or projects which receive CIDA funds are well-served when the public is made aware of CIDA's participation in an effective development activity and know how CIDA funds are used. Accordingly, we would appreciate it if you would acknowledge CIDA's financial contribution in any reference that you make to this project/programme in publications, speeches, press releases or other materials. This will inform the public of the use made of public funds for which CIDA is accountable.

...2

May I take this opportunity to wish you every success with your project.

Yours sincerely,



Marc Dolgin,
Director General,
Institutional Cooperation and
Development Services Division.

The terms and conditions outlined in Annexes A, B and C of this letter are accepted.

NAME: Andrew MacKay DATE: 2 January 85
TITLE: President
ORGANIZATION: Dalhousie University

c.c. Dr. R. St.J. MacDonald, Q.C.,
Dalhousie Law School,
Dalhousie University,
Halifax, N.S.
B3H 4H9

TERMS AND CONDITIONS OF A CIDA/ICDS CONTRIBUTION

In accepting a contribution from CIDA/ICDS Division, your organization agrees to the following terms and conditions:

1. To sponsor the project/program under the terms and conditions outlined in the request for a contribution and as agreed to by CIDA.
2. (a) To use the funds contributed by the Canadian International Development Agency in support of the budget of your organization's project or program noted in the covering letter. The budget which is attached as Annex "B" forms an integral part of this agreement.

(b) To inform CIDA in writing and in advance of all major modifications to the project/program and to the budget.

(c) To return to the Receiver-General of Canada via CIDA any funds contributed by CIDA which are not disbursed or accounted for, under the terms of the project/program agreed to by CIDA taking into account the funding ratio agreed to.
3. To maintain such accounting records that the funds administered for the project/program, including disbursements against the funds received, can be clearly identified and verified.
4. To prepare and submit to CIDA both interim and final program and financial reports according to the report schedule in Annex "C" outlining the actual results achieved, in relation to the goals and objectives outlined in the submission for the period ending on the report date, signed by the Executive Director or his representative. The appropriate reporting format should be used for reporting. (See Annex "B")
5. To provide at CIDA's request, for financial and/or operational audit purposes, by CIDA or its representatives:
 - (a) All relevant records, documents and statements held by the Canadian institution pertaining to the project program.
 - (b) All receipts and cancelled cheques, as well as customs documents, bills of lading and other relevant documentation respective of equipment or goods purchased in Canada and transferred to the project/program.

6. To send official receipts to CIDA/ICDS Division for all cheques issued by CIDA.
7. When applicable, to send copies of bank drafts or cancelled cashed cheques or their equivalent to CIDA/ICDS as proof that funds have been transferred to the project/program in the field or to the central body responsible for the project/program.
8. To provide a contribution to the project/program as outlined in your request and agreed to by CIDA and indicated in the budget attached as Annex "B".

The Canadian International Development Agency agrees:

1. To make a first payment to your organization on a project/program basis in accordance with the payment schedule outlined in the attached Annex "C".
2. To make further payments according to the payment schedules in Annex "C" of this letter subject to receipt of satisfactory program and financial reports required under Annex "C" and subject to funds being approved by Parliament.
3. To transfer, upon receipt and approval of a final program and financial report, a final payment noted in the payment schedule set out in Annex "C" of the Agreement Letter.

BUDGET

Expenses

	<u>Beijing University</u>	<u>Dalhousie University</u>	<u>CIDA</u>
Travel	5,000		1,050
Incidental expenses			500
Faculty time	<u> </u>	<u>1,000</u>	<u> </u>
	5,000	1,000	1,550

Income

Beijing University	5,000
Dalhousie University	1,000
CIDA	<u>1,550</u>
	7,550

PAYMENT AND REPORT SCHEDULE

1. <u>Payment Schedule</u>	1st	Upon approval	1,050
	FINAL	January 15, 1985	500
2. <u>Reporting Schedule</u>			
	FINAL	December 15, 1984	



Agence canadienne de
développement international

Canadian International
Development Agency

Hull (Québec)
Canada
K1A 0G4

Hull, Quebec
Canada
K1A 0G4

Votre référence Your file

· August 13, 1984

Notre référence Our file

Dr. R. St. J. Macdonald, Q.C.,
Dalhousie Law School,
Halifax, N.S.
B3H 4H9

Dear Dr. MacDonald:

Thank you for your letter of August 3, 1984 giving a status report on your proposed cooperative arrangement with the University of Beijing.

As I discussed with you during our recent telephone conversation, we have been informed by our Embassy in Beijing that MFERT has recommended that approval not be given to a University of Beijing/Dalhousie University linkage in the area of international law at this time.

I am planning to go to Beijing in October and will certainly discuss the long term future of the programme with MFERT when I am there. In the interim, I have talked to World University Service of Canada about your immediate requirement for travel funds for Mr. Shi. WUSC is prepared to assist Dalhousie to cover this expense.

I will be away on holidays from August 13 to September 4 and will phone you as soon as I return. In the meantime you should contact Mr. Paul Brennan at WUSC to make the financial arrangements for Dr. Shi. Mr. Brennan's phone number in Ottawa is (613) 725-3121.

Yours sincerely,

for
Peter Hoffman,
Senior Programme Officer,
Institutional Cooperation and
Development Services Division.



Agence canadienne de
développement international

Canadian International
Development Agency

Hull (Québec)
Canada
K1A 0G4

Hull, Quebec
Canada
K1A 0G4

March 13, 1985

Votre référence: Your file

Notre référence: Our file

Dr. R. St. J. Macdonald, Q.C.
Professor
Dalhousie Law School
Halifax, Nova Scotia
B3H 4H9

Dear Dr. Macdonald:

Re: International Law Exchange: CIDA file 338-90/D1-26

As we discussed on the phone, I am now asking our Finance Division to release the final payment of \$500 still owing on the above-mentioned project. Sometime ago you sent me a draft of the exchange arrangement which you worked out with Professors Luo and Shao. This can serve the narrative report for the project. Also concerning our requirement for a financial report, I have received a bill for the two professors directly from Lawson Travel Limited.

When your University has received this second cheque, I would appreciate it if you could ask it to acknowledge receipt of our two payments by sending an official receipt to CIDA's Institutional Cooperation and Development Services Division.

I look forward to meeting with you when you come up to Ottawa.

Yours truly,

Peter Hoffman
Senior Programme Officer
China Programme, ICDS
Special Programmes Branch

March 7, 1985

Trip, Tral. Coll.

1. the delegation; no re meeting; try to = W-Y.

2. CIDA money:

- ✓ 1. public claim
- ✓ 2. make exp. track of Y.B.
- ✓ 3. exp. track of Chris Venter.
- ✓ 4. to very detail
- ✓ 5. to visit Doyle Johnson
Bass Nevada.

✓ 6. to try to come Y.B. & L.C.

3. we will return to IFA for Helsinki together

4. To give a couple of lectures = China:
titles ?

5. To make the agreement bet the letters or
sh. be served in May? in Sept!!

6. If the delegation comes, then I should tell
them that the money goes to T&G or Shi

major

7. If subject not sent, then I will
write to her

8. 8. Try write to her this end of
month or next. She writes to Thy
= US for with.

Sketch

March 8/85

Francis Rosenthal
Head of External Affairs
Council of Europe
Strasbourg France.

Telex 870 943.

1. An official letter to invite him, followed by a personal letter. At once!!
2. From May 26th to May 30th.
He will go with his wife. He will pay the transportation; but Patsy will look after his wife here then.
3. He will give a lecture - a conference on the Evolution of the C of E.
4. Try to take the Ambassador to Paris - the visa as to inform him of the Rosenthal.

26 July 1984

Professor Wang Tieya
Institute of International Law
Beijing University
Beijing
People's Republic of China

Dear T.Y.

Just a few points in haste, if I may.

1. I saw Dr. Nicholas Valticos in Geneva on July 2nd last and he indicated that the Secretariat of the Institute was interested in nominating Mr. Ni as a member to replace our dear friend T.C. Chen. Dr. Valticos asked me if I would communicate this information to you and see what your reaction would be. I told me that I would, of course, write to you and that I expected that you would then be in touch with him directly. Apparently October is the closing date for nominations.
2. We have found the money to bring Mr. Shi to Dalhousie Law School and I would suggest that he might come to Halifax with Mr. Meng at the end of August. At the moment, I am thinking of putting Mr. Shi to work on "the effectiveness of dispute settlement mechanism under Gatt". Is this acceptable from your point of view?
3. There is still a fair amount of enthusiasm in Canada for the space conference but I do not know which agency can co-sponsor such a conference in Beijing. Can you instruct Mr. Meng on this point so that we can have some clarification at the end of this month?
4. I am beginning to think about the contents of our proposed book on international law from Asian perspective and I will, if I may, write you in this regard soon again.

The points of immediate importance concern Mr. Ni, the arrival here in Halifax of Mr. Shi and the question of the feasibility of our space conference.

With every good wish to you and all our friends, I remain

Yours sincerely,

R. St. J. Macdonald, Q.C.
Professor

P.S. Mr. Gu's work on state responsibility is beginning to come together.

15 February 1984

Professor Wang Tieya
Institute of International Law
Peking University
Beijing
People's Republic of China

Dear T.Y.:

I am enclosing the application forms for the summer program and for the Law School.

There are funds available for two students to attend the summer program; transportation and all costs will be paid.

Unfortunately there is only one scholarship available at the Law School at the present time; this will be for a student nominated by you for our LL.M. program. I will undertake the supervision.

It is possible that another scholarship in the Law School may become available at a later stage, and for that reason I am enclosing a second application form for the Law School. We are waiting to hear about funding from Ottawa.

What is important now is that you ask the students to fill out these forms and return them to me as soon as possible.

We are looking forward with the greatest pleasure to receiving you next month and of course to having the students during the summer and next year.

We are very satisfied and delighted to have your wonderful students with us and we hope that you too feel that the arrangement is satisfactory and beneficial.

With personal good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, Q.C.
Professor

encls.

March 11, 1985

Professor H.L. O'Brien

R. St. J. Macdonald, Q.C.

Dear Les:

Professor Wang's daughter is in her mid-20s and will be supported by CIDA funding. She has been accepted into Professor Borgese's summer program here in Halifax, which means that she will be on site, so to speak, almost two months before the Law School opens. I realize that she has not yet been officially accepted, but I thought that you might want to have this information about age and money, and ofccourse we are all hoping that the Committee accepts hereas soon as possible. There is always the wretched problem of getting a visa, a problem that holds these students up for weeks on end.

Yours sincerely,

R. St. J. Macdonald, Q.C.

18 January 1985

Mr. Paul Brennan
World University Services of Canada
P.O. Box 3000 Station C
Ottawa, Ontario
K1Y 4M3

Dear Mr. Brennan:

Further to the several conversations we have had on the telephone and which, I understand, you have also had with Mr. Peter Hoffman, I am enclosing a copy of Mr. Hoffman's letter to me of October 9, 1984, together with invoices from Lawson Travel in Halifax.

For the information of your office, I may say, that Mr. Shi was personally selected for study here at Dalhousie by the Law Department of Peking University where he had an outstanding record and that he is proving a first class scholar. His English is excellent, he speaks French, and his written work is very satisfactory indeed. We feel satisfied that Mr. Shi is receiving about the best we have to offer and that he will certainly be contributing significantly when he returns to China in a year's time. In my opinion, he is one of the best graduate students we have had for several years.

In view of the fact that there has been considerable delay in attending to his travel account, delays that may have been occasioned by my absence from the University here in Halifax, I will be very grateful indeed if you could communicate with Lawson Travel and do the necessary at your early convenience.

I am hoping that you will find it possible to visit us at Dalhousie Law School when next you are in Nova Scotia. I would welcome an opportunity to discuss our China program with me.

Thanking you for your attention, I remain,

Yours sincerely,

R. St. J. Macdonald, Q.C.
Professor

encls.

14 December 1984

Your file 162-90/D1-6600

Mr. Peter Hoffman
Senior Programme Officer
Institutional Cooperation and
Development Services Division
Canadian International Development Agency
Hull, Quebec
K1A 0G4

Dear Peter:

Could you come to Halifax early in January, in order to discuss our proposal in detail? We really have quite a lot to talk about and I think that the best way for all of us to make progress is to have you with us for a couple of days, during which time we can review in detail the draft that has now been approved by the Law Department in Peking. Could you come on a Wednesday night and remain with us on Thursday and Friday? Or could you come on Thursday and work with us on Thursday evening and Friday? The end of January is not good for me.

We have three excellent students for 1985-86, all of them fully approved by Peking, and I am wondering if you can authorize me to proceed to finalize arrangements for their study at Dalhousie as of late August 1985. I need to make administrative arrangements as soon as possible.

With personal good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, Q.C.
Professor

30 March 1984

Your file 162-90/D1-6600

Mr. Peter Hoffman
Senior Programme Officer
Institutional Cooperation and
Development Services Division
Canadian International Development Agency
Hull, Quebec
K1A 0G4

Dear Mr. Hoffman:

It was a pleasure seeing you on Tuesday, March 27, 1984. I hope that we can make it a practice to dine together whenever you are in Halifax and have some free time. We have, I believe, many mutual interests to review and discuss.

I am enclosing a very rough outline of the kind of programme we have in mind. It is not yet in the format which you may require, but it will give you a general indication of our ambitions.

The major immediate needs are scholarships (item 1), joint research and publications (item 2) and conference planning (item 3). I will, of course, provide you with more detail as soon as I return from The Hague in early May. The conference planning item (the space conference) can be fleshed out later; all that we will need in the short run is enough to convene the planning meeting which we discussed for Ottawa in June or July.

The need for student support is of course pressing and I got the impression that this could be handled very quickly. Could you send me a note about this as soon as possible?

The visit from Professor Wang was a howling success and I am very confident that we are on the right track and that the developing relations between Dalhousie and Beijing have valuable implications for long range contacts between legal and commercial personnel in China and in Canada.

With personal good wishes, I remain,

Yours sincerely,

encl.

R. St. J. Macdonald, Q.C.
Professor

PROPOSED MEMORANDUM OF AGREEMENTDALHOUSIE LAW SCHOOL AND UNIVERSITY OF BEIJING LAW DEPARTMENT

Since the establishment of diplomatic relations between Canada and the People's Republic of China in 1970 there has been a growing interest in the development of exchange programmes between the educational institutions of the two countries. During the same period there has also been an awareness in both countries of the need to learn more about the other's legal institutions. It seems timely to inaugurate an exchange programme between university faculties of law in Canada and the People's Republic of China for the purpose of stimulating interest and mutual understanding in legal work and legal education in our two countries.

Modest steps in this direction have already been taken by members of the law teaching community in each country. Particular reference might be made to the visit of Professor R. St.J. Macdonald of Dalhousie Law School to the University of Beijing in March and April of 1980, when he met with students and teachers of the Faculty of Law over a period of six weeks.

With a view to developing closer relations in the field of legal education it is proposed that an exchange programme be inaugurated between the Faculty of Law of Dalhousie University and the Department of Law of the University of Beijing.

The proposed exchange programme might run initially for a three year period from the summer of 1981 to the summer of 1984. Thereafter the agreement would be automatically renewed on an annual basis in the absence of an expression of contrary intention by either institution.

It is proposed that the programme be devoted primarily to four purposes:

- (a) Exchange of library materials related to the legal systems of the two countries;
- (b) Provision of graduate training for the students of one another's institutions;
- (c) Visits and exchanges by faculty members of the two institutions; and
- (d) Planning and organization of a joint legal workshop for members of the two institutions.

The following areas are designated as areas of common interest between the two institutions for the purposes of this exchange agreement:

FIELD	AREAS/TOPIC			
1. International	General	International Institutions	Law of the Sea	Foreign Trade
2. Comparative	General	Criminal Law	Civil Obligations	Family
3. Development and Regulation of Technology	General	Regulation of Industry	Copyright, Patents, etc.	Technology Transfer
4. Law Reform and Legislative Development	General	History of Codification	Techniques of Codification	Codification at the International Level

It is proposed that, as a matter of general principle, both institutions will, wherever possible, contribute jointly to the

costs incurred in the execution of this agreement. However, the mode of sharing expenses for any one activity pursuant to the agreement shall be determined as a matter of convenience according to the circumstances prevailing at the time in question.

Each institution shall designate a person or persons to co-ordinate its activities under this agreement and to maintain liaison with the other institution.

It is hoped that each institution will be able to send an official delegation to visit the other institution within the period of this agreement to discuss matters of common interest, including questions concerning the further development of this exchange programme.

DRAFT DOCUMENT OF THE IDRC PROGRAM

Title of the Program: Strengthening Training and Research Work in
International Law and Comparative Law of Faculty
Members from Selected Educational Institutions
in China

Number:

Government Apparatus for Implementation: Ministry of Education, the
People's Republic of China

Estimated Date of Starting the Program: September 1984

IDRC Investment: Canadian Dollars

Government Investment: Renminbi Yuan

Ministry of Education, PRC

Representative

(Signature)

I D R C

Representative

(Signature)

I. Goals of the Program

1. To strengthen training of faculty members of five Chinese educational institutions (Peking University, Fudan University, Xiamen University, Southwest College of Politics and Law, and Hangzhou University) in the science of law (public international law, private international law, and comparative law).

2. To strengthen research work in the science of law (public international law, private international law, and comparative law) at the five Chinese educational institutions.

3. To improve available resources at the law libraries of the five Chinese educational institutions.

4. To strengthen academic exchanges for the study of law between Canadian universities and the five Chinese educational institutions.

II. Background and Reasons

Higher legal education in China has developed since 1949. However, owing to the underestimation of its importance and also to the influence of Left-deviationist thinking, development of legal education was quite limited of a time and was arrested during the "Cultural Revolution" when law departments of all universities were closed down. It was only in 1973 that two universities began to re-enroll law students, and the combined enrollment at that time was limited to less than 100 students

each year. It is evident that the ten year "Cultural Revolution" greatly hindered development of our legal education.

After the smash of the "Gang of Four" in 1976, the Chinese Government, through the lessons of the "Cultural Revolution," deeply recognized the necessity and importance of strengthening the construction of a socialist legal system. Chairman Deng Xiaoping, in his "Answers to questions posed by Italian Reporter Olliana Falacci," pointed out:

This country of ours has a history of several thousand years of being a feudalistic society, lacking a socialist democracy and a socialist legal system. Now we are going to conscientiously build up both the socialist democratic system and the legal system.

Premier Zhao Ziyang, in Report on the Work of the Government, 1983, also said with emphasis:

In order to safeguard the smooth advancement of modernization, we must continue to strengthen the construction of the socialist democracy and legal system, and to strengthen political and legal work.

In the last five years, legal education in China has been restored and has developed fairly quickly. By the end of 1983, there had been 29 universities with law departments and 5 colleges of politics and law, having a combined enrollment of over 11,000 currently registered students. Obviously, however, the present scale of development still cannot meet the requirements of the construction of the four modernizations. The task of legal education is arduous and the prospects broad.

For the development of higher legal education, the following problems demand prompt solutions:

1. The faculties of law are short in number and also are facing the serious problem of aging. The law departments restored or established within the last five years are badly in need of experienced key instructors. In some of the law departments, there is not a single professor or associate professor, but only one lecturer and a number of assistants. Other law departments, although having a comparatively strong structure, are facing the problem of an aging faculty. For example, the Department of Law at Peking University has 113 faculty members: 29 professors and associate professors, 33 lecturers and 51 instructors and assistants. Most of the professors, associate professors and lecturers are more than 50 years of age, and the average age of the professors is 69 years. Many professors in their seventies must still actively work in the forefront of teaching and research for there is no one to replace them.

2. There exists the problem of a lack of current legal knowledge. Apart from a few professors of great attainments who have had some academic exchanges with foreign scholars in recent years, many faculty members know or understand little about the development of the science of law abroad. Nowadays, with the implementation of the open-door policy, external economic and trade contacts are increasingly frequent and many new legal problems have emerged. It is therefore in urgent need to train a great number of qualified lawyers in the fields of international law, international economic law, financial and banking law, taxation, etc., which in turn requires the instructors to have command of the necessary information and knowledge. Secondly, many new legal areas, such as international environmental law, international resource law, the law of development, the law of the air and outer space, and the law

of the sea, have not been taught or explored because of the lack of instructors. Still less has been done in the way of modern teaching methods and law library management techniques.

3. Teaching methods are not interactive. Generally speaking, our instructors are accustomed to merely presenting lectures to the class. Inadequate attention has been given to eliciting and developing the skills of each student. It is necessary to refer to teaching methods used abroad so that we might draw upon the experience to improve our own teaching procedures, and in turn, better develop our students' talents and abilities.

4. Law books and materials are badly needed. A law department or a law college in China presently has at most less than thirty thousand books; some has only several thousand. This shortage is especially acute in books and periodicals in foreign languages. There is a large gap between the present supply and that required for teaching and research work. In addition, obsolete equipment and poor management of our libraries have caused a number of unnecessary difficulties for conducting our work. It is therefore an urgent need to replenish and enlarge the collection of reading materials and to improve and augment the equipment of our law libraries.

The following is a brief introduction to the five participating educational institutions:

Peking University, located in Beijing and built in 1898, is the oldest and most famous university in China, and is one of the key universities directly under the Ministry of Education. There are 25 departments in the university. The Department of Law has the largest

number of students of any departments in the university. It is divided into three divisions--the science of law, international law and economic law. In addition, there are three relevant legal research institutes--the Institute of International Law, the Section of Economic Law and the Section of Science of Law Abroad.

Fudan University is situated in Shanghai, the largest industrial city in China. Established in 1905, it is also one of the key universities under the Ministry of Education. There are 15 departments and 10 research institutes in the university. The Department of Law resumed enrollment in 1981. It has now 21 faculty members, including 5 professors and associate professors and 11 lecturers. Present enrollment includes 126 undergraduate and 4 graduate students.

Xiamen University, Built in Xiamen in 1921, is also one of the key national universities. Situated alongside the verdant Wulao Peak and facing the green East China Sea, it has 16 departments and 18 research institutes. The Department of Law was re-established in 1980, with its 36 faculty members, including 5 professors and associate professors and ¹⁴ lecturers, and ³³⁴ ~~184~~ undergraduate and 22 graduate students. As Xiamen is one of China's several special economic zones, Xiamen University has become an important source of legal personnel for all the economic zones.

Southwest College of Politics and Law was established in 1953 in Chongqing, the famous city in Sichuan Province which is the largest province in China having a population of over 100 million composed of Han, Tibetan, Miao, Yi and other nationalities. The College is one of the law colleges directly under the Ministry of Justice. It has 175 faculty members, among whom are 11 professors and associate professors

and 78 lecturers, and 2,264 undergraduate and 24 graduate students.

Hangzhou University, built in 1928, is a university of diversified disciplines under Zhejiang Province. It is located in the city of Hangzhou, facing the beautiful West Lake. There are 14 departments. The Department of Law, with 29 faculty members, including 16 lecturers, and 170 undergraduate students, was established and began to enroll students in 1980.

III. Proposed Items

1. The five Chinese educational institutions would each year send a total of 30 young faculty members to Canada to study for degrees in law.

2. The five educational institutions would each year send a total of 10 middle-aged faculty members to Canada to do research for a period ranging from six months to one year.

3. Three delegations of legal education would be sent to Canada to investigate the legal education system, and the contents and methods of teaching.

4. The five educational institutions would receive necessary law books, periodicals, materials and microfilms, etc.

5. Each of the five educational institutions would receive 10 microfilm readers, 10 photocopiers, 10 word-processors and 10 multi-functional micro-computers.

6. Several Canadian professors of law would be invited to the five educational institutions each year to teach international law or

comparative law.

IV. Funding

The Program is to last years.

1. The Chinese side is to invest in the Program RMB¥ .
2. The Canadian side is to invest in the Program Can\$.