

Third Discussion with Professor Wang

Toronto, January 3, 1991

RM: When we left off last time, you were saying that you were sent with Cai to a large camp, with almost a thousand people.

TY: Yes, in Jiangxi Province, near the large lake called Bo Yang Lake. There was a large camp there.

RM: What year was that?

TY: We went there in 1969, in the latter part of 1969, and returned to Beijing in 1971.

RM: So you were there about two years.

TY: Yes.

RM: What were you doing there?

TY: It was very hard work - from early in the morning until late at night. We worked in the fields to plant the rice and to do other manual work.

RM: Was Cai doing the same work?

TY: The first year she did the same work; the next year she did kitchen work - cooking for other people.

RM: Very hard.

TY: Yes. During the first year, we were separated in two different parts of the camp. In the second year, they decided to have a permanent camp there and so they decided to allow the families to be together. We lived together in very small, muddy hut, in a very small room. It was very dirty of course. During the whole two years, it was a very, very hard life for us. There was the manual work, and also there were two threats to our life. One was a kind of insect. I can not explain it exactly. A special kind of illness, Blood Fluke.

RM: An illness?

TY: Yes, everybody got it. If one touched the river, the water, there was some kind of very tiny insect which caused an illness to your blood.

RM: From an insect?

TY: Yes, an insect in a shell.

RM: In a shell.

TY: Yes. I can not explain to you in technical terms, but maybe afterwards I can find out.

RM: And did a lot of people get this illness?

TY: Yes. So we had to be careful. The authorities gave us some kind of leggings and such, something to wear to go into the fields, where there was water, but it was not successful. So hundreds of people got the same illness.

RM: That was terrible. Were your children with you?

TY: Yes, but they didn't work. They lived there with other children. But our children didn't go, because one of my children was starting in college and another was working somewhere. So they didn't go. We two went to the Jiangxi camp. And there was a second threat: the camp was just beside the lake and there was a dam, but not a very strong one. So sometimes during the rainy days, it was very dangerous. If there had been a flood, everybody would have perished.

RM: Of course, in a flood.

TY: We stayed there for two years. It was especially during the summertime, when the rains came, that we were frightened of perishing in a flood. Those were two dreadful things for us during our stay in that camp.

RM: Then in 1971 you returned to Beijing?

TY: Yes. We returned to Beijing - just at the time ~~Lin Biao~~ Lin Biao either committed suicide or was killed in an air accident. At that time, we were all recalled to Beijing and the camp was abolished. Then once again I had to do manual work in the university. The whole group was not entirely dissolved. Somebody had to remain to do manual work in the university, within the campus. I did. So it was to be another year of hard life for me; but at least I could go home everyday. I went to the campus to do manual work during the daytime, and went back home during the evening.

RM: And, of course, Cai was with you.

TY: Yes. She worked in a library, again.

RM: What sort of work were you doing?

TY: Do you remember when you were in Peking University, you saw the small shop, just opposite the Department of Law? A small market? That was the house we built.

RM: I remember.

TY: We did the manual work and the muddy work. Everything.

RM: So that accounts for all of 1971.

TY: Yes. And then '72, '73, I was released from the political surveillance strict surveillance - I was released from that surveillance in 1973. Yes?

RM: You were under political surveillance up until then?

TY: Yes.

RM: And that meant that you had to report to the leaders, and all that?

TY: Yes, yes. We had to come together for discussions and meetings, and I had to report to the leadership on what I had done during those days.

RM: I see. And that ended in 1973?

TY: After that, for nearly 3 years, I was not permitted to give any courses. As a matter of fact, there were no courses. The Department of Law was re-established only in 1976. I had no chance to give any courses. Of course, before the revival of the Law Department, there were lectures on law in the Political Science Department, but I was not permitted to give that kind of lecture. All I was allowed to do was collect materials for use by other people. That went until 1976, which was the age of the so called "Cultural Revolution", and

the death of Mao Tse Tung, also the Gang-of-Four was overthrown. The rule of Gang-of-Four was overthrown. The University became somewhat normal [again] as of 1976. But myself, I didn't become normal until after 1977. Then I was permitted to give courses on International Law, after that time.

RM: I see. Starting in 1977.

TY: Yes. 1977. And then, you know the Party and Government changed from Huo Guo-feng to Deng Xiao Ping and the Party convened its third session of the Eleventh National Congress in 1978. From that time on the government adopted a policy of openness and reform. So I got a good position in the university. Also, we started to establish some things for the development of International Law. From that time on, I felt that the future for International Law was rather bright. I had done some things for the development of International Law. First of all, I established a section on International law, within the Department of Law, and I was the Head of that section.

RM: You established it. It was your creation.

TY: Yes. I established it myself at that time. Then, with some friends, I tried, successfully, to establish the Chinese

Society of International Law - that was at the end of 1979 and the beginning of 1980. That was the establishment of the Society of International Law. Then I planned to have the Yearbook published in 1982. During this time, you went to my University!

RM: Yes!

TY: You were the first foreign international lawyer to come to our University!

RM: Yes. It was a great honour, a great privilege.

TY: This was very fortunate! Because you know that in 1979, I was invited to join the Chinese Delegation, as the Legal Advisor to the U.N. Law of the Sea Conferences. I attended two sessions in 1979.

RM: That was 1989?

TY: 1979. The first was in Geneva and the second in New York. Then the Foreign Ministry asked me to continue attending conferences, but my wife and I discussed it and I declined, because there were too many conferences each year. See? Two conferences each year, and that was to continue for more than ten years. So we declined it. Just as we declined, we met

you in 1980! It was very fortunate!

RM: It was a great honour for me, TY, a very great honour.

TY: From then on, we invited foreign professors to come to Peking University.

RM: Oh yes, it was a very active time.

TY: Yes. And I was very active at that time.

RM: Well, you are the person who has put International Law on the map in China; first, with the Section on International Law within the Law Department, then with the Society of International Law; third, with the Yearbook; then with your graduate students, and of course, your very extensive contacts, and your own travelling.

TY: I think so. And you know that I established an Institute of International Law in Peking University.

RM: Of course; I visited you there. You were very imaginative to have established that Institute. What is its history?

TY: Originally, the membership was very small. It was just a group within the Section of International Law. I planned to



develop it into an Institute. That idea was approved by the Faculty of Law and also by the university authorities. So I had got a chance to establish an Institute. I recruited some professors and scholars to be members of the Institute. I was appointed Director, but it only lasted two years. Then I retired from the Institute because of age, you see. I had exceeded 70 years by then.

RM: Was there a compulsory retirement age?

TY: As a general rule, a university professor reaching the age of 70 can not hold an administrative job.

RM: I see.

TY: That's a general rule. Of course, there are exceptions.

RM: Yes. But TY, you also managed to find that nice little house for the Institute.

TY: Yes, that was very fortunate.

RM: That was an important achievement. Not every Institute is fortunate enough to have such attractive quarters. You did well to get the house. And you also acquired a library as well.

TY: Yes, the library.

RM: As I recall, you were able to get a librarian as well as the library.

TY: Yes, we got support from UNDP and people, like Professor Luke Lee, Dr. Quen Chen - they contributed a lot of books - and also from the Canadian Council on International Law. They contributed a whole set of Canadian books. Books were also contributed by others. So, you see, we built up a library of International Law, which, though small, is I think the best in China.

RM: I want to emphasize that it is my view the establishment of the Institute was a very progressive step forward; you have a house, you have premises, you have a library, you have a librarian. You have staff. You remember that we used to talk about developing a programme that would be world-wide. We had exciting discussions. What has happened to the Institute since then?

TY: Since then? Oh, now let's see. I will tell you afterwards about the future of the Institute. The Institute [may have declined] afterwards, but for the time being, we were very happy with it, because we invited foreign scholars to come, we had meetings, seminars and conferences... Remember in 1982 or

the summer of '83, you gave a lecture with some other professors like Schachter, Henkin, Lachs, <sup>Sullivan</sup>~~Simon~~, Newman and yourself. Six prominent professors lectured in our university!

RM: Yes, it was wonderful.

TY: Just wonderful! Also, we organized a conference of Chinese professors and experts on International Law.

RM: I remember you telling me about that. You brought young professors from all over the country. I'd like to hear more about it.

TY: We brought them from all over the country and from the Foreign Ministry. Some legal advisors, some responsible persons came to the university to talk about the practical side of International Law. I was enthusiastic about that project.

RM: A lot of activity.

TY: A lot of activity and all the students - especially one thing I would like to tell you, that it was you who took the initiative of sending our students abroad! That first time, you managed to send one student to Dalhousie Law School. That was Meng.

RM: Of course; he was at Dalhousie for five years and got the S.J.D. degree. He was very popular.

TY: Afterwards, you continued with other students. All of them were very satisfied with their education at Dalhousie Law School. Also, we were able to send some of our students to the United States and to some other countries.

RM: They were wonderful students, TY.

TY: With your encouragement and support, I was elected an Associate of l'institut de droit international. So, you made a great, great contribution to the development of International Law in China.

RM: Well, TY, I don't think, personally-

TY: I know that I was encouraged and supported by you to be elected to the Institute of International Law!

RM: It's an honour for the Institute that you are there.

TY: After my election, T.C. Chen was elected and after that, Professor Li and Judge Ni.

RM: TY, it was a very fruitful and active period, wasn't it? In

International Law in China.

TY: Yes. I also attended many conferences. For instance, conferences in the United States and in Canada. I was invited by Professor Maxwell Cohen to Ottawa and by you to Halifax. Also in the United States, to join the conference of the American Society of International Law. There were other conferences, too, for instance in Japan, in West Germany and in Switzerland. I attended the 75th Anniversary of the founding of the Swiss Society of International Law.

RM: I remember that! The 75th Anniversary-

TY: Also at the Hague was the 400th Anniversary of the birth of Grotius.

RM: Yes, of course, you went to Delft, in Holland.

TY: Not only myself, but some other international lawyers in China, like T.C. Chen and also Madame Sheng Yu joined some outside activities. We were very active at that time, you see.

RM: Very, very active.

TY: And during the same period, some Chinese scholars were

appointed members of the International Law Commission of the United Nations. Lastly, Judge Ni was appointed Judge at the International Court of Justice.

RM: And during all this time, of course, the Yearbook was developing, getting better and better.

TY: It was a very interesting development. In the first two or three issues, all of the articles were written by older-generation international lawyers, but gradually the younger scholars came to the forefront and became a major part of the Yearbook. The younger generation, around 30 years old! Of course, they had the advantage of having been sent abroad to do graduate work and research work, to study International Law, so they contributed more important articles in the Yearbook.

RM: Well, that's splendid, because it's the younger generation - the coming generation - that we need to encourage; they are the ones who will develop the subject in the future.

TY: Yes. The younger generation.

RM: And most of them were your students, were they not? You have created a world-wide network of students, with you at the center.

TY: Yes, most of them are my students. I have tried my best to send them abroad to do advanced studies.

RM: Well, TY, you have been tremendously successful there, because your students have gone to the United States, to Canada, to Britain, to France, to Germany-

TY: Even to Japan!

RM: Even to Japan. It's been a remarkable achievement on your part. And they are loyal to you wherever they are.

TY: Also, at that time, I edited a textbook on International Law.

RM: Oh, what year was that?

TY: That was 1981.

RM: Is that still in use?

TY: I would like to add to that during the Cultural Revolution, I translated privately, with Professor T.C. Chen, Oppenheim's International Law, four volumes.

RM: Did you?!

TY: I sent one set to Eli Lauterpacht, my old teacher's son.

RM: Oh that's splendid! Did you translate his two volumes?

TY: Yes, two volumes, which we separated into four. It was a bit too large in Chinese to have just two volumes, so we made it four volumes.

RM: So it was four volumes in the Chinese translation?

TY: Yes.

RM: But you did translate the two original ones?

TY: Yes.

RM: That's an achievement.

TY: It's very popular in China, you know. All - most - of the officials in the Foreign Ministry like to refer to the Oppenheim when they face problems of International Law in their diplomatic negotiations! It is a very influential textbook in Chinese circles.

Also, during that period, T.C. Chen, myself and some others started to publish articles in English, in foreign academic



journals.

RM: Yes. That was an important development.

TY: Like T.C. Chen's article in the Dalhousie Law Journal! I, myself, wrote an article which you included in a book.

RM: Of course! I remember it well and continue to refer to it. The book wouldn't have been complete without you. Then, TY, you did a great deal to encourage the teaching of International Law in universities outside Beijing, didn't you?

TY: Yes. Most of the teachers of International Law in the universities had been my students and they liked me to give them some direction. As a matter of fact, I was, at that time, concurrently, Professor of the University of Politics and Law and People's University and also ( Nan Kai) University invited me to give some lectures there. So they gave me the title of Adjunct Professor.

RM: That's very nice, too, and very appropriate. It shows again that you are the commanding figure in International Law in China.

TY: Very interesting. Also I was a Research Fellow of the

Institute of Law at The Chinese Academy of Social Sciences.

RM: What did that involve?

TY: It was a very interesting and productive period during those years - I think from 1978 to 1988.

RM: Ten years.

TY: It was the brightest period in the development of International Law in recent Chinese history, I think I can say that.

RM: That's an important statement, coming from you. And you were at the center of it all. Did it change in 1988?

TY: Yes, in 1989. There were difficulties. There were two big difficulties. First, the general atmosphere was not sympathetic to the development of International Law ~~and~~ even to the Science of Law itself. Secondly, we had difficulties of budget - a very small budget; difficulty from staff members. I was not in a position to do anything directly, you see. I had some influence, very important influence in the Institute, but I was no longer Director of the Institute, so I could not give it direction. I think that for several years we did not get any support from outside, especially after June

4th.

RM: June 4th changed the atmosphere dramatically.

TY: The atmosphere changed, and most of the young people went abroad and did not come back.

RM: Yes, this is too bad, but we understand.

TY: You understand quite well. Also, the government did not pay much attention to legal education, including the teaching of International Law. There was still some support from the Foreign Ministry, but the Ministry of Education, I mean the State Education Board, paid no attention to the development of International Law in China. So we had difficulties after June 4<sup>th</sup>. That's a fact that can not be denied.

RM: It's a phase we are in - a phase that will probably change in a few year's time, don't you think?

TY: Yes. I have often told you that I am an optimist. I believe that conditions will change for the better, generally speaking and for International Law in particular. We have received support from outside; from the United States, from Canada, and also from Europe. We have received promises of help in the near future. So I am still hopeful. The first thing is

that the law building will be completed this year.

RM: That will be a great step forward.

TY: Yes. And the Law Department has promised to give us sufficient space for our library. I hope it will be sufficient - in a real sense!

RM: For the International Law Library in general or for the Institute's library?

TY: The law library will be a general law library but I am hoping that there will be a section specially devoted to International Law. We have the support of CLEEC; that is, the American Committee for Legal Education in China. They sent a person whose name is Professor McKeever. He was sent by the Librarian of Columbia Law School to China to visit our Institute, investigate, and make a report. He also promised their help for our Institute. They pay attention to institutions; one is the Institute of International Law of our University and another is the Treaty and Law Department of the Foreign Ministry. I told them that the Institute of International Law at our University is more important, because it will be open to all people throughout the country. The Foreign Ministry would close their Library; without permission, nobody can get in. Without special permission.

So it would be better to have the main library for International Law in our country located at the Institute rather than at the Foreign Ministry. I think they have promised to do that.

RM: Yes, I think that is the right decision. Will they provide books as well?

TY: Yes. What would be called 'basic' books. Journals. Materials. They have a list. A somewhat comprehensive list.

RM: Well, that's excellent. And what about the situation outside Beijing, in the other universities, such as Wuhan and Xian, etc.

TY: Wuhan is better. Yes, Wuhan is better, because Han Depei has made an effort to encourage the study of International Law, but they specialize in private International Law. Han Depei is an international private lawyer.

RM: I see; and what about Shanghai?

TY: No good at all. You know Dong Sizong has left Fudan University. He is now in California and will probably try to get another job there. He will not go back for 2 or 3 years. Shanghai is no good at all.

RM: One would have thought that because of its size and importance, Shanghai would be an important centre for the study of law. And in Xiamen anything?

TY: Xiamen. You know Chen An. I heard that he is now lecturing in Oregon. He is not in China.

RM: I see.

TY: So the situation in China in the field of Public International Law is desperate. No people can stand to develop International Law. That is the reason I would like to go back, to see what I can do. One thing I want to do is to organize, to encourage our students to return in a few years.

RM: Of course, but it's very difficult for the students, isn't it? They are not treated properly when they return; they are not appreciated; they cannot develop professionally; living conditions are bad, salaries are poor, libraries are limited, and the possibilities for travelling outside the country are precarious. The position of university professors, even in Peking University, is not high.

TY: Yes. For the time being, it is very difficult. And I have to say frankly that some of our best students might not go back

without difficulties. Others would not like to go back because the conditions there are not good. All conditions - political, economic, and academic - are not good. So I have to create better conditions for them during these years. After a few years, maybe, they will be able to go back to work for the development of the country.

RM: It could be important for China and for International Law if they could, because they are brilliant and have much to contribute.

TY: Yes. For the time being, I want to acquire books and materials for the Institute, with the help of outside, foreign institutions. I want to build up the Institute. And I will maintain the Yearbook. I expect it to continue on for at least two or three years.

RM: Of course, TY! The Yearbook is one of your major achievements and you should continue on with it. ✓

TY: The only thing is that I can not find qualified editors. Professor Li is more than 80. There is no one to succeed me. I have to wait for people who are outside the country to ~~go~~ *come back* and try their best to be my successor. ✓

RM: No one will ever succeed you, really.

TY: There are several good prospects, but they are out of the country at the present time.

RM: Can we return to one of our earlier conversations about your translation of Kelsen. That's an interesting item. When did that happen?

TY: In 1958. I tried to translate the whole book of Kelsen. The first, not the second edition, because I liked the first, not the second one. I thought that the best thing for me to do was to have Kelsen himself speak to the readers. I translated it but, unfortunately, it was not published until ten years after the translation. It was published only last year.

RM: In 1989?

TY: Yes.

RM: Interesting. And what sort of reaction did it get?

TY: I don't know, because nobody has written a review or commented on the book. Anyway, you know that in China very few scholars who are disciples of Kelsen. For instance, Professor Li translated Verdross into Chinese, so he is inclined to take the view of the Kelsenian school of law. Maybe some other people, I don't know.



RM: It was very outward-looking of you to have translated Kelsen who is, after all, one of the greatest jurists of the twentieth century.

TY: However, in China the most influential text writer is not Kelsen, but Oppenheim.

RM: Yes. Oppenheim. Which you and T.C. Chen translated.

TY: Yes. I made two major translations. Kelsen and Oppenheim.

RM: Well, those are certainly two of the most important. You made a great contribution in bringing them to the attention of Chinese readers.

TY: The two other works that I did - I mentioned these to you before - were the collection of treaties and a collection of materials on the law of the sea. In Chinese, of course. Also including Chinese materials. But it's not up-to-date.

RM: Are those materials used in faculties and law schools outside Peking?

TY: Yes, they are useful for those who specialize in the law of the sea.

RM: Well, TY, despite all the hardships, you have been extremely active, productive, and creative.

TY: But now, you see, I still have several projects. One is the project I have been given by the State Council to make a digest of Chinese practice of International Law. The practice of the PRC in International Law. I plan to complete it maybe next year or the year after next.

RM: Will that be from 1949 to the present?

TY: From 1949, maybe to 1980. Acquiring the materials is not easy, because the Ministry does not like to disclose its materials in the archives. So I ~~was~~ only able to get materials from those which have been published.

It is very funny that there are several persons working in the same field. You have Finerman and Silk, American scholars on Chinese law, who are trying to work in this field also.

RM: The field of Chinese practice?

TY: Yes. They have a \$100,000 grant.

RM: Really? But they wouldn't have access to the new materials.

TY: I don't know. I am in contact with Mr. Silk. He promised to give me the details of their work, but I haven't yet received any information.

RM: Who is Mr. Silk?

TY: Silk graduated from the University of Maryland as a student of Professor Hungdah Chiu, and has studied in Peking University for two years, then worked in a law firm. He is now working in a law firm called Graham and James in New York. The other one, Finerman, also studied in Peking University and afterward was a Fulbright scholar at Peking University. Now he is teaching in Georgetown University. It is very interesting. Another one is Professor Emmanuel Kim, formerly of Princeton University. American Korean, I think. He has written a book on the United Nations and China. A big book. I learned from his correspondence that he is now working on the Post-Mao period of International Law in China.

RM: Oh! Is he at Princeton?

TY: I don't know, I haven't gotten new information from him for 2 years.

You also have one scholar in your university - Dalhousie University - Johnson?

RM: Yes, Douglas Johnson.

TY: Also working in some field similar to mine.

RM: But, TY, yours will be the major study on this subject of practice, because you are the person who knows the material and has the documents. It's a very big undertaking. Will you have people to help you? Some students?

TY: I have collaborated with Madame Ma.

RM: She's wonderful.

TY: I also have an assistant, Miss Tian. But I must bear the main burden.

RM: Even at this early stage, are there any indications of the main points that will be covered in your study, from, say 1949-1989?

TY: Yes. I am trying to get the material for it first, and arrange it according to the topics of International Law. Of course, there are some topics which are not touched upon by Chinese practice. I would keep them out. But there are some topics which are of more interest in the Chinese practice. I will devote longer sections to them. I still do not have a

very concrete, definite outline, but I think that it will be completed maybe next year. No, this year.

RM: In 1991?

TY: Yes. The outline and all the materials. I will put something in written form next year maybe.

I have another project: I was entrusted last year to edit a big dictionary of International Law in Chinese. It is a big - very big - one. In Chinese characters, about a million or a million and a half characters.

RM: Oh my goodness! That will be a huge undertaking!

TY: Yes. I will 'mobilize' all my students to do that. Right now, I'm preparing to make a list of all my students here, and some other countries abroad, and in China. More than thirty or forty students to do the work separately. I could not do it myself, alone!

RM: No, it's too big a job for one person.

TY: And time is very short. I have to complete it next year. Yes, I think June of next year, 1992, because the publisher would like to publish in 1993.

RM: So, not much time.

TY: Not much time. So that is the third project. You remember that my first project is the Chinese Yearbook. It's my job to collect the articles. The second project is Chinese practice. The third is the big dictionary. There is a fourth project that I spoke about at the ceremony at Columbia in November 1990, which you attended: to mobilize each student to write an article, an academic article, for a collection of essays.

RM: That will be done in Chinese, of course.

TY: In Chinese. Of course.

RM: Well, that will be an important collection.

TY: It will be more important than a collection of works by foreign scholars, because it will be by Chinese scholars.

RM: Well, that will be in your honour. That will be the book in your honour. What about your Hague lecture? We haven't mentioned that.

TY: I suggested three topics to the Curatorium. They selected one: International Law in China, Its Historical and Contemporary Perspectives. It has been put into proof and

sent to me, but there are some mistakes. I don't know how to do - but I hope they can correct the mistakes themselves.

RM: That must have been the first Hague lecture by a Chinese scholar for many years.

TY: Yes. Before 1939, there was Liang. You know him.

RM: I didn't know him at all well - I was a student in those days - but I remember him at the United Nations. However, yours must be the first lecture since 1939.

TY: Yes. Of course, there is another Professor, Mr. Li, who gave lectures on private International Law at The Hague.

RM: But yours were the first in public International Law

TY: But Bardonet told me that this was the Chinese year!

RM: Well, there has been a great deal of activity!

TY: Yes, and this year in Beijing there will be a conference on Developing Countries and Environmental Law, organized by the Treaty and Law Department of the Foreign Ministry. At the same time, there will be a meeting of the Chinese Society of International Law. So we [have] combined these two conferences into one. I hope that we can invite some foreign

scholars to come this year.

RM: That is a fine initiative. Two conferences.

TY: Next year, there will be in Beijing a conference on Developing Countries and International Law, also organized by the Ministry of Foreign Affairs Treaty and Law Department. These two are the two items in the Chinese project for the Decade of International Law. Myself, I will organize a conference on the Pacific Region and International Law. And hope that these two conferences will be combined together. And invite some scholars from the West, and also from the East. All these are what I expect to do this year or next year. After next year, I will take a rest!

RM: You certainly deserve it!

TY: I am very happy that I have had a chance to visit this country, and United States, more than six times over ten years!

RM: Well, it has been and remains a special pleasure for us.

TY: And I have had a chance to go to Europe two or three times.

RM: Everywhere people are fond of you.



TY: So this year I have to go to Basel and also, before that, to Heidelberg and Strasbourg, of course!

RM: So it's going to be another very busy year.

TY: I don't know if I can succeed in going to all of these places.

I have briefly described the development of International Law during these past ten or twelve years. The success, or the partial success, of the development is due to your efforts. You took the initiative to come to China, to give lectures to Chinese scholars and students. You took the initiative to encourage Chinese scholars to go abroad to make further study of International Law. And you took the initiative to invite me to be elected Associate of the Institute. You took the initiative to invite me to come to Dalhousie Law School. All these are important elements in the development of International Law in China. You helped immeasurably.

RM: You are generous.

TY: No, no! Immeasurably. Everybody in China knows you. They would like to extend their appreciation and thanks to you, especially for your encouragement of promoting the development of International Law in China. Your name will be recorded in the History of the Development of International Law in China.

RM: Well, my dear friend, it has been a great, great, honour for me to have been associated, even in a small way, with you and the outstanding projects which you have initiated so successfully.

TY: I think that I share the same opinion as T.C. Chen who was my very intimate friend. We had the same opinion. The same idea, you see?

RM: He was a wonderful man, and he left us too soon.

TY: Much too soon. Otherwise the development would have been more energetic, and with the co-operation of T.C. Chen, more powerful.

RM: With both of you. Well, it couldn't have been much more energetic than it has been, not at all.

As we look back from, say, 1900, through to 1949, what would you say have been the general highlights of the development of International Law? From a Chinese perspective.

TY: There was no development of International Law during the early years - nearly 100 years - because as I pointed out in my Hague lectures, the dominant factor was not International Law in the diplomatic relations of China, but unequal treaties.

From 1842 to 1949 the whole period was under the rule of unequal treaties. So there was not much research or many studies of International Law that were of a real academic nature. Of course, there were some very prominent international lawyers, but they, like Wellington Koo, participated in government work. He was not really an international lawyer, except in the last years of his life; he was a diplomat. Also, for instance, Zhang Zhongfu or some others. Liang was a real international lawyer, but afterwards he joined Taiwan's international diplomatic service. So in actuality there were not really any good works on International Law. There was only one exception to my mind, and that is my former Chinese supervisor, Zhou Gengsheng. He devoted his whole life to the study of International Law and published several books on the subject of International Law which are of some academic value.

RM: All of this is useful for my account of your work. What year, or period, would that have been?

TY: The 1930's to 1940's.

RM: Was he in Peking?

TY: Yes. Afterwards he became the legal advisor of the Chinese Ministry of Foreign Affairs, since 1949. Yes, he was quite

old. He died, I think, in 1979.

RM: He had a long life, then.

TY: Yes. Very long life.

RM: I wasn't aware of him. Are his books used, are they in circulation?

TY: Yes. In fact, his early books were the only reference books used in the classes of International Law in law school. His later book on International Law was very popular in China during the first ten or even twenty years of the New Republic. He was the Chief Legal Advisor of the Chinese Ministry of Foreign Affairs. Very good work.

RM: Well, in a way, you are really his successor, then.

TY: I don't think so, because I never was, nor did I wish to be, a Legal Advisor!

RM: No, no, I understand that, but I am referring to the situation in Peking University. You were his "successor" as the Number One scholar of the subject and as the leading Professor.

TY: Yes.

RM: Because you took over at Peking University shortly after he left.

TY: You see, before 1980, there was no Society of International Law in China; there was no journal or yearbook of International Law in China; there were very few articles on International Law in academic journals. The reason is that International Law was not regarded as important as a science. The most important things of which the government and the academic circle had to face was unequal treaties.

RM: But there must have been a lot of writing on that specific subject.

TY: Yes, a lot of writing on that. So it was quite reasonable that when a Soviet scholar who came to China after 1949 had a talk with me, he asked me to give him a list of books on treaties, or unequal treaties. He knew that the important things for foreign scholars to investigate before 1949 were treaties and unequal treaties.

So! You can divide the history of the development of Chinese International Law into four periods. First, is the Early Ancient Period and there was something like International Law, but not really like International Law. Afterwards, there was more than 2,000 years with no International Law at all,

because the Chinese insisted on their own world order. With the unity of the Chinese Empire, there was no International at all. Then after the introduction of International Law into China in the 1840's, nobody had much regard for International Law. That is the third period. The fourth period starts in 1949.

RM: And that's the period that you are going to cover in your study of Chinese practice, 1949-1989.

TY: Yes. But, as a matter of fact, the brightest period for International Law was after 1980. Unfortunately, it ended nine years later, on June 4, 1989. The period from June 4, 1989 onward will be a separate period.

RM: Well, we'll have to wait for another Spring.

TY: Another Spring will come.

RM: Of course it will.