

## SEMINAR

**The Legality of Humanitarian  
Intervention and the Responsibility to  
Protect in Classical China:  
How Is It Possible and  
Why Does It Matter?**



**Walter Lee**

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**Thursday, 23 May 2013, 12:30 pm - 1:30 pm**  
**Room A724 & A725,**  
**7/F Cheng Yu Tung Tower**  
**The University of Hong Kong**

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This seminar attempts to construct a dialogue between the Western and Chinese standard of civilization for the humanitarian intervention and the responsibility to protect (R2P) discourse. From *The Hague Conventions, Kellogg-Briand Pact* to Article 5:2 of *The Rome Statute of International Criminal Court* and the ICC Resolution RC/Res.6 on crimes of aggression, the legality of the use of force—as well as international human rights law—is by nature a Western construct. The question now is with the diffusion of power in a pluralistic world, the democratization of global rule of law could emerge as a cultural/civilizational issue rather than just ‘the retreat of the state.’ With the rise of China as a global superpower, its increasingly frequent application of veto votes at the UN Security Council and its chronic distrust of and reluctance to engage with the international legal system, the conceptual divergence between China and actors supportive to post-Westphalian values has led to diplomatic deadlocks in responding to humanitarian crises and gross violations of human rights. One exit, I argue, is to revisit the Pre-Qin era (770-221 B.C.) of China, where historians recorded and philosophers discussed vividly about military intervention and humanistic values. The findings from *The Chronicle of Zuo* and some other writings shed light on the legality problematique, in the sense that close parallels and overlaps between indigenous Chinese conceptions and modern Western norms are found. These are potentially useful materials which appear more acceptable than what the PRC regime regarded as ‘Western-imposed standards’ but still compatible with Western norms. The seminar will address the problem of comparative jurisprudence by critically discussing the *gongfa Zhongyuan* (origins of public international law in ancient China) phenomenon that existed from 1884 till the early 20<sup>th</sup> century.

**Walter Lee** is visiting fellow at Centre for Comparative and Public Law (CCPL). He is currently doctoral candidate of Department of Political Studies, The University of Auckland in New Zealand. Mr. Lee received his M.A. in International Relations from The University of Warwick, where he specialized in international politics but also researched international human rights law. He subsequently worked as an intern at General Assembly Affairs Branch, Department of General Assembly and Conference Management (DGACM), the United Nations Secretariat New York headquarters and research assistant for Researcher Fostering Laboratory, China in Comparative Perspective Network (CCPN), London School of Economics and Political Science. Mr. Lee’s broader scope of interest is international ethics in the background of the rise of China as a great power, which features China’s soft power issue and the country’s interactions with international organizations and global rule of law. His doctoral thesis ‘The PRC’s Doctrine of Non-interventionism Assessed in Comparison with Classical Chinese Conceptions of *Jus ad Bellum*’ demonstrates a continued concern found in the M.A. dissertation ‘Nationalism as an Obstacle to China’s Participation in International Society: A Critical Analysis of the People’s Republic of China—International Criminal Court Relations.’

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