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Accurately Comprehending the Concept of "Rule of Law in Foreign-Related Affairs" to Promote Coordinated Advancement in the Rule of Law in Chinese Domestic and Foreign-Related Affairs*

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Abstract The notion of "rule of law in foreign-related affairs" signifies a critical innovation and evolution in the theory and practice of socialist rule of law with Chinese characteristics. It underscores the pivotal role of rule of law in foreign-related affairs in the law-based governance and presents new topics for the theoretical study for rule of law. A precise comprehension of "rule of law in foreign-related affairs" necessitates tracing its origins and elucidating its correlations with both "rule of law in domestic affairs" as well as with "international rule of law." Acknowledging both domestic and international prerogatives, while holistically advancing law-based governance, constitutes the foundational rationale behind "rule of law in foreign-related affairs." In addition, the cognitive transition from a "socialist legal system" to the "socialist rule of law" forms a theoretical foundation for the rule of law in foreign-related affairs. Although national governance and global governance, as well as the rule of law in domestic and foreign-related affairs fall under distinct governance categories and legal systems, they are interconnected, mutually influential, and integrated. As a component of national rule of law, the rule of law in foreign-related affairs acts as a bridge between the two independent legal systems of the rule of law in national affairs and international rule of law. It is imperative to promote a harmonized advancement of the rule of law in domestic and foreign-related affairs, thereby expediting the strategic deployment of the rule of law in foreign contexts. This strategy more effectively safeguards national sovereignty, security, and developmental interests while contributing to build a human community with a shared future.

Keywords XI Jinping Thought on the Rule of Law, rule of law in domestic affairs, rule of law in foreign-related affairs, rule of law in international affairs

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Advancing the rule of law in both domestic and foreign-related affairs is an important aspect of XI Jinping Thought on the Rule of Law. At the Central Conference on the Rule of Law in November 2020, XI Jinping Thought on the Rule of Law was embraced as the guiding principle for China's law-based governance.[1] President XI Jinping has systematically elaborated on the important ideas and strategic deployments for law-based governance in the new era through the "11 commitments," offering profound responses to pivotal theoretical and practical queries concerning the progression of socialist rule of law in China. For the first time, these 11 commitments explicitly propose the need to "advancing the rule of law in both domestic and foreign-related affairs."[2] The Chinese international law community has subsequently generated a wave of research on the issue of rule of law in foreign-related affairs, and has already achieved some major academic achievements in this regard.[3] The tasks of strengthening the development of talent bases for rule of law in foreign-related affairs and establishing research bases for rule of law in foreign-related affairs have also been put on the agenda of relevant government departments and

1 Following the XI Jinping Thought on Strengthening the Military, XI Jinping Thought on Socialist Economy with Chinese Characteristics in a New Era, XI Jinping Thought on Ecological Civilization, and XI Jinping Thought on Diplomacy, XI Jinping Thought on the Rule of Law is another aspect of XI Jinping Thought that he comprehensively expounded and explicitly declared at a national conference organized by the central government, generating the significant and far-reaching influence.

2 See 为千秋伟业夯基固本——习近平法治思想引领新时代全面依法治国纪实 (Laying a Solid Foundation for the Eternal Great Cause: XI Jinping Thought on the Rule of Law Directs the Practice of Law-Based Governance in the New Era).

3 See MO Jihong, 加强涉外法治体系建设是重大的法学理论命题 (Advancing the Rule of Law System in the Foreign-Related Field Is a Major Theoretical Proposition in Jurisprudence), 12 探索与争鸣 (*Exploration and Free Views*), (2020); ZHANG Xiaojun, 坚持统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 重庆日报 (*Chongqing Daily*), p. 14, Dec. 12, 2020; SHAN Wenhua, "一带一路"与涉外法治建设 (Belt and Road Initiative and Advancing the Rule of Law in Foreign-Related Affairs), 陕西日报 (*Shaanxi Daily*), p. 5, Dec. 8, 2020; HUANG Jin, 坚持统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 光明日报 (*Guangming Daily*), p. 11, Dec. 9, 2020; MO Jihong & XU Ziwen, 善于运用法律武器维护国家利益加强涉外法治体系建设 (Skillfully Utilizing Legal Weapons to Safeguard National Interests and Advancing the Rule of Law System in Foreign-Related Affairs), 人民日报 (*People's Daily*), p. 9, Dec. 25, 2020; HUANG Huikang, 统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 学习时报 (*Study Times*), p. 2, Jan. 27, 2021; MA Kang, 如何充分认识"坚持统筹推进国内法治和涉外法治" (How to Fully Understand "Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 1 党课参考 (*Party Class Reference*), (2021); WANG Yi, 坚持统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 人民日报 (*People's Daily*), p. 11, Mar. 19, 2021; HE Zhipeng, 涉外法治：开放发展的规范导向 (Foreign-Related Rule of Law: Normative Orientation of Open Development), 5 政法论坛 (*Tribune of Political Science and Law*), (2021); LIU Huawen, 习近平法治思想中的国际法要义 (The Essence of International Law in XI Jinping Thought on the Rule of Law), 6 比较法研究 (*Journal of Comparative Law*), (2020); ZHOU Jing, 习近平法治思想指引下坚持统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner Under the Track of XI Jinping Thought on the Rule of Law), 重庆大学学报（社会科学版）(*Journal of Chongqing University* [*Social Science Edition*]), Mar., 2021; SHI Jingxia, "一带一路"倡议与国际法——基于国际公共产品供给视角的分析 (The Belt and Road Initiative and International Law: An Analysis from the Perspective of International Public Goods Supply), 1 中国社会科学 (*Social Sciences in China*), (2021); CHEN Liqiang, 中国高质量共建"一带一路"涉外（国际）法治建构论纲 (Outline of the Construction of Rule of Law in Foreign [International] Affairs for China's High-Quality Co-Construction of the Belt and Road Initiative), in "一带一路"涉外法治研究2021 (*Study on the Rule of Law Concerning Foreign Affairs Under the Belt and Road Initiative 2021*), edited by CHEN Ligang, 人民出版社 (People's Publishing House), at 27–52 (2021).

universities.[4] Nonetheless, some misconceptions persist within the scholarly sphere regarding the essence of rule of law in foreign-related affairs. For example, there is a general confusion between "the rule of law in foreign-related affairs" and "international rule of law." There is a lack of clarity regarding the strategic deployment of the rule of law in foreign-related affairs and the relationship between "domestic rule of law and the rule of law in foreign-related affairs" and "national governance and international governance," are often not clearly delineated. To some extent, there is a tendency to oversimplify the concept of "the rule of law in foreign-related affairs." Some of academic community members even propose to replace "international law" with "the law in foreign-related affairs" as a primary discipline subject. Currently, the research in the academic community on the rule of law in foreign-related affairs primarily tends to focus on aspects such as the human community with a shared future, new types of international relations, international investment, international trade, and the prevention and resolution of international commercial disputes, which are related to the international rule of law or overlap with it. However, the systemic development of the rule of law in foreign-related affairs, including facets such as legislation, enforcement, judiciary processes, compliance, application, and legal services, urgently requires deeper exploration and foundational theoretical reinforcement.

This article endeavors to delve into the origin of the concept[5] of the rule of law in foreign-related affairs, and the approach to rightly understand and command the essence of the rule of law in foreign-related affairs. It further seeks to clarify the relationships between the rule of law in domestic contexts and in foreign-related affairs, as well as the connection between the rule of law in foreign-related affairs and international affairs.[6]

4 In response to Proposal No. 8342 of the Fourth Session of the 13th National People's Congress, the Ministry of Education, in its reply (Jiao Gao Jian Yi [2021] No. 120), explicitly stated that "strengthening the development of international law disciplines and the cultivation of talents in foreign legal governance is of significant importance for coordinating domestic governance and international governance, and better safeguarding national sovereignty, security, and development interests." It emphasized the need to "strengthen the development of relevant disciplines and majors," "enhance the education and cultivation of outstanding talents in foreign-related legal governance," and "strengthen the training of legal professionals in the judicial system for handling foreign-related legal affairs."

5 As a philosophical term, "origin" originates from Greek, meaning "beginning" or "foundation." The ancient Greek Milesian school first proposed and explored the important philosophical question of the origin of the world. Anaximander believed that the origin of all things was "infinite." While Anaximenes believed "origin" was "air," Heraclitus argued that "origin" was "fire," thus laying the foundation for the study of ontology in philosophy. Later, Greek philosophers proposed various views on "origin." In traditional Chinese culture, there is also discussion about the "origin." In the *Book of Rites*, it says, "To our uncle (the State of Jin), you are like a hat to clothing, a source to trees and water, and a leader to the people." In the *Book of Master GUAN*, it says, "What is water? It is the origin of all things, the ancestral hall of all creatures." In the *Book of MO Zi*, it says, "Let us consider the origin as arising from the common benefit of the masses." Song Dynasty scholar ZENG Gong wrote in "Drafting Imperial Edicts, Part 2," "One's conduct must be pure and sincere, and one's studies must be based on solid foundations. With talent, wisdom, and good judgment, one can understand the old ways."

6 See HUANG Huikang, 论习近平法治思想关于国际法治系列重要论述的实践逻辑、历史逻辑和理论逻辑 (Historical, Theoretical, and Practical Logic of XI Jinping Thought on the Rule of Law Regarding the Series of Important Propositions on the International Rule of Law), 1 国际法研究 (*Chinese Review of International Law*), (2021); 论习近平法治思想关于国际法治系列重要论述的核心要义 (The Core Essence of XI Jinping Thought on the Rule of Law Regarding the Series of Important Propositions on the International Rule of Law), 1 武大国际法评论 (*Wuhan University International Law Review*), (2021); 统筹推进国内法治和涉外法治 (Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner), 学习时报 (*Study Times*), p. 2, Jan. 27, 2021.

I The Inherent Logic for the Emergence of the Concept of the "Rule of Law in Foreign-Related affairs": Balancing Domestic and International Imperatives

The famous Ming Dynasty philosopher and educator WANG Yangming (WANG Shouren) once summarized, "For one to study, a fundamental principle must be present, from which effort emanates, progressively leading to mastery."[7] It is posited that to truly understand the concept of "rule of law in foreign-related affairs" requires "return to the original texts" and "studying the authentic classics," seeking its source.

The imperative is concerned with strategic, fundamental, and directional issues. "The dual imperatives" is a significant strategic judgment made by the Communist Party of China (CPC) Central Committee with XI Jinping at its core, based on an in-depth understanding of national and global dynamics. Balancing domestic and international imperatives is grounded in the fundamental doctrines and accumulated wisdom of our Party's governance. Advancing the rule of law in domestic and foreign-related affairs in a coordinated manner is the embodiment of the concept of "two imperatives" in the field of the rule of law, and is a key for the academic community in China to accurately understand the concepts of the rule of law in domestic and foreign-related affairs, and their relationship with each other, in XI Jinping Thought on the Rule of Law.

XI Jinping notes, "Strategies are fundamental to a political party and a nation."[8] "We shall build a strategic mentality and a global vision, and review the development of China and the world from an elevated viewpoint, integrating the overall imperatives at home and abroad, pushing forward opening up."[9] "We shall better balance China's overall domestic and international interests. We shall pursue mutually beneficial development featuring openness and cooperation, develop China by securing a peaceful international environment and, at the same time, uphold and promote world peace through our own development."[10] "Exercising law-based governance in China involves various fields such as reform, development, stability, party governance, national governance, and national defense. It is necessary to plan and coordinate based on the overall imperative and long-term perspective."[11] "At present, our country is in

7 WANG Shouren, 传习录 (*Instructions for Practical Living and Other Neo-Confucian Writings*).

8 XI Jinping, 在纪念邓小平同志诞辰110周年座谈会上的讲话 (Speech at the Seminar Commemorating the 110th Anniversary of the Birth of Former Chinese Leader Deng Xiaoping), 人民日报 (*People's Daily*), p. 2, Aug. 21, 2014.

9 习近平在中共中央政治局第十九次集体学习时强调，加快实施自由贸易区战略，加快构建开放型经济新体制 (XI Jinping Speech at the 19th Group Study of the Political Bureau of the 18th CPC Central Committee, Emphasizing the Need to Quicken the Pace of Implementing the Free Trade Zone Strategy and Building an Open Economic System), 人民日报 (*People's Daily*), p. 1, Dec. 7, 2014.

10 习近平在中共中央政治局第三次集体学习时强调，更好统筹国内国际两个大局，夯实走和平发展道路的基础 (XI Jinping Speech at the Third Group Study Session of the Political Bureau of the 18th CPC Central Committee, Emphasizing the Need to Advance both Internal and International Imperatives to Consolidate the Foundation for Pursuing Peaceful Development), 人民日报 (*People's Daily*), p. 1, Jan. 30, 2013.

11 XI Jinping, 关于《中共中央关于全面推进依法治国若干重大问题的决定》的说明 (Explanatory Notes to the Resolution on Certain Major Issues Concerning Comprehensively Advancing the Law-Based Governance of China), 人民日报 (*People's Daily*), p. 2, Oct. 29, 2014.

the best period of development in modern times, while the world today faces profound changes unseen in a century. The two imperatives are intertwined and mutually stimulating."[12] "Leaders and officials should keep in mind the two imperatives, one is the strategic overall imperative of the great rejuvenation of the Chinese nation, and the other is that the world today faces profound changes unseen in a century. This is the basic starting point for our work."[13] Based on the domestic and international imperatives, the Party Central Committee with XI Jinping at its core has formulated strategies for domestic and foreign-related affairs and national defense and for running the Party, state and army. These strategies have been consistently applied throughout the practice of governing the country by the Party Central Committee with XI Jinping at its core, demonstrating XI Jinping's visionary strategic thinking and exceptional leadership skills in planning and decision-making.

In October 2020, the Fifth Plenary Session of the 19th CPC Central Committee put forward the following statement, "We must adopt a holistic approach to implement the national rejuvenation strategy within a wider context of the once-in-a-century changes taking place in the world. We need to acquire a full understanding of the new features and requirements arising from the shift of the principal contradiction facing Chinese society and the new issues and challenges stemming from a complicated international environment. We shall enhance our awareness of opportunities and risks, base ourselves on the fundamental national conditions of the primary stage of socialism, maintain strategic determination, take care of our own affairs, understand and grasp the laws of development, promote the spirit of struggle, adopt a bottom-line mindset, accurately identify and adapt to changes, take proactive measures, led the people in an effective response to major risks, challenges, obstacles and conflicts by exploring new opportunities and breaking new ground, seize opportunities, cope with challenges, seek benefits and avoid harm, and forge ahead with determination."[14] This is the latest expression and explicit requirement from the Party Central Committee regarding coordination of the overall domestic and international imperatives, illustrating the underlying logic of advancing the rule of law in domestic and foreign-related affairs. At this historical juncture, the first-centenary-goal has been realized, while the new journey towards the second-century-goal has been underway.

By adopting "strategic thinking" and a "global vision" and bearing in mind the interconnection between the two imperatives, taking a holistic approach

12 习近平在中央外事工作会议上强调，坚持以新时代中国特色社会主义外交思想为指导，努力开创中国特色大国外交新局面 (At the Central Conference on the Work of Foreign Affairs, President XI Emphasizes Breaking New Ground in China's Diplomacy with Distinctive Features Following the Guiding Diplomacy Principles with Chinese Characteristics in the New Era), 人民日报 (*People's Daily*), p. 1, Jun. 24, 2018.

13 XIONG Ruoyu, 胸怀两个大局，决胜全面小康 (Embracing Internal and International Imperatives to Secure a Decisive Victory in Achieving Moderately Prosperous Prosperity in All Respects), 学习时报 (*Study Times*), p. 1, May 25, 2020.

14 中共十九届五中全会在京举行 (The Fifth Plenary Session of the 19th CPC Central Committee Held in Beijing), 人民日报 (*People's Daily*), p. 1, Oct. 30, 2020.

to coordinating and utilizing the "two markets," "two types of resources," and "two sets of rules," the concept of "rule of law in the foreign-related field" emerges, and the strategic initiatives of advancing "domestic rule of law and foreign-related affairs" in a coordinated manner is launched within the overall strategy of law-based governance.[15]

II Theoretical Foundations of the "Rule of Law in Foreign-Related Affairs": Progressing from the "Socialist Legal System" to the "Socialist Rule of Law"

In the legal system and terminology of China, "the rule of law in foreign-related affairs" is a relatively novel concept. Its inception follows several developmental phases, representing an evolutionary continuum within the socialist rule of law theory, infused with distinctive Chinese characteristics. This concept epitomizes the contemporary adaptations of Marxist legal theory within the Chinese milieu.

A | Global Perspective: Transitioning from "Legal System" to "Rule of Law"

"Law is the foundation of governance." Although there is only one word difference in Chinese writing between "legal system" and "rule of law," the concepts encapsulate divergent definitions, symbolizing two discrete paradigms of governance, methodologies, and epochs in the political civilization of humanity.

Legal system, translated from the corresponding Chinese words, portrays a relatively inert notion, indicative of the actual presence of laws and institutional arrangements. Conversely, the rule of law is a relatively dynamic concept that refers to a systematized social value system and governance approach that stands in contrast to rule by individuals. It includes governance concepts such as "legal supremacy," "power constraint," and "rights protection," as well as governance approaches, systems, and operational mechanisms such as "exercising law-based governance" and "behaving according to law." The rule of law and rule by individuals are two opposing governance concepts and principles. "Rule of law" does not simply consider law or legal system as a governance tool, but rather as the basis and foundation of a nation's institutional framework, and as the fundamental approach to governance.

"Legal system" comes in a long way. Over 2,300 years ago, the ancient Greek philosopher Aristotle asserted, "humans are innately political entities." Collective human existence necessitates an orderly structure, standards guiding behavior, and interaction protocols.[16] As a Latin proverb says, *ubi societas, ibi ius* (Where there is society, there is law). Chinese culture has a saying that law is "the measurement of the world" and "the public instrument of the

15 See FENG Weijiang, 新时代中国特色大国外交：科学内涵、战略布局与实践要求 (China's Major-Country Diplomacy with Chinese Characteristics in the New Era: Well-Defined Elements, Strategic Layout, and Practical Requirements), 3 国际展望 (*International Perspectives*), 13–28 (2018).

16 See Aristotle, 政治学 (*The Politics*), translated by WU Shoupeng, 商务印书馆 (The Commercial Press), at 7 (1965).

world."[17] The earliest known written laws discovered to date are the *Assyrian Code* of Assyrian Empire in West Asia in the 20th century BCE and *Hammurabi Code* of Babylon in the 18th century BCE. In China, the records of the Xia Dynasty in the 21st century BCE mention that the "Xia Dynasty Code has 3000 laws." However, during the long periods of slavery society and feudal society, the principle of "supreme power of the king" or "supreme power of the ruler" prevailed, leading to a legal system subordinate to the "king power" or "ruler power," but lacking the foundation of "rule of law" based on democracy.

The rule of law is a remarkable achievement of modern human political civilization, ensuing from perpetual enhancements in legal conceptualization. The spirit of the rule of law is the essence thereof. "If the law is strong, the country is strong; if the law is weak, the country is weak." Pillars supporting the realization of the rule of law include democratic governance, market economics, consciousness of rights, and the axiom of good law fostering good governance.[18] The advocacy of legal governance and the aspiration for a socialist rule of law country resonate with the progressive trajectories of human political civilization.

B | China's Initial Implementation: From Refining the "Socialist Legal System" to Constructing "a Socialist Rule of Law Country"

The CPC has consistently emphasized the maturation of the rule of law, particularly since post-1978 economic reforms. The CPC has upheld the rule of law, achieving a historic transformation from "improving the socialist legal system" to "building a socialist country based on the rule of law."[19]

In 1978, the Third Plenary Session of the 11th CPC Central Committee introspectively assessed lessons drawn since the founding of the People's Republic of China in 1949 and the major decision of "developing socialist democracy and improving the socialist legal system." It endorsed a fundamental policy encapsulated as "laws must be followed, enforced strictly, and violators prosecuted." This "16-Chinese-word policy" accurately describes the essence of the legal system, expounds the basic elements of comprehensive rule of law, and leads Chinese socialism with distinctive characteristics onto the road of the rule of law. This strategic pivot marks an epochal breakthrough in the chronicles of Chinese socialist rule of law.

In 1979, seven basic laws, including the Criminal Law, Criminal Procedure Law, and Organizational Law of People's Courts, were promulgated. On September

17 HAN Fei said in 淮南子 (*Huan Nan Zi*), "The law is the measurement of the world, and also the public instrument of the world." SHANG Yang wrote in 商君书・君臣 (*Book of Lord Shang, Lord and Minister*), "When the law is made clear, the people fear punishment. If the law is not made clear, it is impossible to expect the people to obey it." LIANG Qichao said in 变法通议 (*Discussions on Reform*), "Law is the public instrument of the world, and change is the axiom of the world."

18 See QI Yanping, 论法治的基础 (On the Foundation of Rule of Law), 4 山东大学学报（哲学社会科学版） (*Journal of Shandong University* [*Philosophy and Social Sciences Edition*]), 114–117 (1997).

19 See 中共中央关于党的百年奋斗重大成就和历史经验的决议 (The Resolution of the Central Committee of the CPC on the Major Achievements and Historical Experience of the Party over the Past Century), 人民日报 (*People's Daily*), p. 1, Nov. 17, 2021.

9, 1979, the CPC Central Committee issued the Directive on Ensuring the Effective Implementation of Criminal Law and Criminal Procedure Law (referred to as "Document No. 64"), which marked the first official use of the term "socialist rule of law."[20]

On November 22, 1980, the *People's Daily* published a special commentary entitled "The Milestone of Socialist Democracy and Rule of Law." The article presented the five principles adopted in the trial of the LIN Biao and JIANG Qing counter-revolutionary cliques: the independence of judicial work; the democracy of judicial work; seeking truth from facts; revolutionary humanitarianism; and the principle of equality before the law. It particularly emphasized that the trial "fully embodies the essence of comprehensive rule of law."[21] This is the first time that the concept of "comprehensive rule of law" was used in the literature of the central authorities.

In 1982, the Constitution clearly stipulated at its Clause 1 of Article 5 that, "The state maintains the unity and dignity of the socialist legal system." In 1992, the 14th CPC National Congress emphasized: "Without democracy or the rule of law, there is no socialism, and there is no socialist modernization."

The Report to the 15th CPC National Congress reiterated the "16-Chinese-word policy" for the development of the socialist legal system, stating that "it is an inevitable requirement to advance the cause of the Party and state that there are laws to abide by, laws are observed and strictly enforced, and lawbreakers are prosecuted." It clearly set the goal of "strengthening the legal system and building a socialist country under the rule of law," emphasizing that, "Law-based governance is the basic principle the Party pursues while it leads the people in running the country, an objective need for the development of a socialist market economy, an important symbol of social progress, and a crucial safeguard for long-term stability of the country." All in all, this marked the formal introduction of the "socialist rule of law" concept and the goal of a socialist rule of law country in official party documents, symbolizing a monumental shift in the Party's governance philosophy and leadership modality.[22]

It is crucial to recognize that the semantic shift from "legal system" to "rule of law" may seem like a minor change in wording, but it has gone through 20 years of arduous theoretical exploration and practical development. Renowned Chinese legal scholar LI Buyun recalled that the issue of legal equality was incorporated in the 1954 Constitution but was later removed in the 1975 and 1978 Constitutions. At that time, the mainstream view in the

20 See YUAN Dingbo & ZHANG Yirong, "两案"审判：中国走向法治的重大里程碑 (The Two Cases: A Milestone for China's Shift towards the Rule of Law in Judicial Trials).

21 See LI Buyun, 亲历从"法制"到"法治"的转变 (Witnessing the Transformation from "Legal System" to "Rule of Law").

22 See WANG Liming, 依法治国方略是怎样形成和发展的? (How was the Strategy of Law-Based Governance Formed and Developed?), 21 求是 (*Qiushi*), 35–38 (2014).

theoretical community in China was that there was a strict distinction between "citizens" and "people," and hostile forces were considered citizens but not people, so equality could not be applied to them. Therefore, the Third Plenum of the 11th Central Committee's communique used the wording "people are equal before laws" for addressing the wording issue. For a considerable period of time, there have been three different assertions in the legal community regarding the proposition of comprehensive rule of law: rule of law theory, combination theory, and abolition theory. Supporters of the combination theory argue that both "rule by individuals" and "rule of law" are necessary, and they should be combined. On the other hand, proponents of the abolition theory believe that rule by individuals and rule of law are Western terms that are not well defined, one-sided, and have side effects. They argue that we shall simply focus on "building a socialist legal system." Intense debates regarding the nature and scope of the rule of law persisted until the 15th CPC National Congress, when the adopted lexicon of "improving the socialist legal system, exercising law-based governance, and building a socialist country under the rule of law" effectively concluded this long-standing theoretical contention.[23]

In March 1999, the Second Session of the 9th National People's Congress passed a constitutional amendment, incorporating "exercising law-based governance, and building a socialist country under the rule of law" into the Constitution.[24] The inclusion of these principles in the Constitution signified a monumental milestone in the evolution of legal framework within China. Since then, the development of socialist rule of law in China has reached a new period, marking a profound deepening of China's engagement with legal constructs and principles, reflecting a maturing understanding and implementation of the rule of law in a socialist context.

C | China's Second Implementation: Transitioning from "Basic Principles" to "Basic Strategies"

In January 1980, DENG XIaoping stated, "We are committed to developing democracy and legal system. This is the unwavering policy of the CPC."[25] In line with the development from "legal system" to "rule of law," "exercising law-based governance" has also evolved from the Party's "basic principles" to the "basic strategy" for governance. This has achieved systematic integration in strategic planning, blueprint design, route planning, path selection, and overall

23 See LI, fn. 21 at 24.

24 Please refer to TIAN Jiyun's article "Explanatory Notes to the Draft Amendment of the Constitution of the People's Republic of China" (Mar. 9, 1999). TIAN Jiyun pointed out, "The rule of law is the basic strategy for the CPC to lead the people in governing the country and is an important safeguard for the long-term stability of the country. Incorporating the 'the rule of law and building a socialist country under the rule of law' into the Constitution is of great significance for upholding the basic strategy of law-based governance, continuously improving the socialist legal system, developing socialist democratic politics, and promoting economic system reform and economic development."

25 DENG Xiaoping, 邓小平文选（第二卷）(*Selected Works of DENG Xiaoping*), Vol. 2, 人民出版社 (People's Publishing House), at 256–257 (1994).

promotion.[26]

In March 2001, the Fourth Session of the 9th National People's Congress adopted the "Outline of China's 10th Five-Year (2001–2005) Plan for National Economic and Social Development," which stated, "Exercising law-based governance and building a socialist rule of law country is an important goal of socialist modernization." In this context, "exercising law-based governance" has escalated from a means-level strategy to a goal-level objective, positioning the development of a socialist rule of law country as a cardinal aim in constructing a modern socialist state.

In 2002, the 16th CPC National Congress put forward the philosophy of "persisting in exercising state power according to law and continuously improving governance capabilities," emphasizing that "the key to developing socialist democracy is to combine the need to uphold the Party's leadership in ensuring that the people are the masters of the country with the need to rule the country under the law." The introduction of the concept of political civilization was officially promulgated, establishing the fundamental principle of the socialist rule of law with Chinese characteristics. In 2007, the 17th CPC National Congress further emphasized the need to "comprehensively implement the rule of law as a fundamental principle and speed up the building of a socialist country under the rule of law." In 2012, the 18th CPC National Congress highlighted that "the rule of law is the basic way to run the country; we shall give greater scope to the important role the rule of law plays in the country's governance and social management; and we shall promote law-based governance of the country in an all-round way, and accelerate the building of a socialist country based on the rule of law." The Congress also put forward a new "16-Chinese-word policy" that "We shall make laws in a scientific way, enforce them strictly, administer justice impartially, and ensure that everyone abides by the law" for the building of socialist rule of law.[27] The law-based governance principle in running the country has become more creative and richer in essence.

Since the 18th CPC National Congress, the CPC Central Committee with XI Jinping at its core has stressed the importance of the rule of law from the perspective of upholding and developing socialism with Chinese characteristics in a holistic and strategic manner. The system of socialist rule of law indigenous to China has seen continual refinement, with tangible advancements in promulgating the rule of law within the country. The rule of law

26 Policy refers to the direction and goals that guide the advancement of a cause, which is relatively abstract. Strategy generally refers to overall plans, strategies, methods, and tactics. This quote is from *Xunzi*, Xunzi said: "In governing a state, one must carefully consider labor and leisure, accumulate reserves, prepare for war, gain the trust and support of the people, and no one in the world will dare to oppose it." In the new era, upholding and developing socialism with Chinese characteristics includes materializing the "two centenary goals," realizing the "two basic points" and "roadmap" for the great rejuvenation of the Chinese nation, and encompassing the Party's basic program, basic experience and basic requirements, as well as critical concepts, methods and paths for a rule of law country.

27 See the Publicity Department of the CPC Central Committee and the Office of the Commission for Law-Based Governance Under the CPC Central Committee, 习近平法治思想学习纲要 (*Outline for the Study of XI Jinping Thought on the Rule of Law*), 人民出版社 (People's Publishing House), at 2–3 (2021).

has played a greater role in consolidating foundations, ensuring stable expectations, and delivering long-term benefits, and the Party's ability to lead and govern the country through law-based methods has been notably enhanced,[28] ushering in a new era of building socialist rule of law with Chinese characteristics.

XI Jinping stresses that "The rule of law is a fundamental principle by which the Party leads the people in running the country; the rule of law is the basic way to run the country."[29]

The Third Plenary Session of the 18th CPC Central Committee made special arrangements for advancing the rule of law in China as an important aspect of continuing reforms. It highlighted the pursuit of synchronized development in law-based governance, law-based state power exercise, and law-based governmental administration, advocating a unified approach to constructing a nation, government, and society grounded in the rule of law. It is against this backdrop that, at the Fourth Plenary Session of the 18th CPC Central Committee, dedicated efforts were made to analyze the issue of law-based governance, and the CPC Central Committee's Resolution on Certain Major Issues Concerning Comprehensively Advancing the Law-Based Governance of China (hereafter Resolution) was adopted. This *Resolution* put forward top-level designs and major plans on ensuring sound legislation, strict law enforcement, impartial administration of justice, and observance of law by all. It represents another historical landmark in the journey toward socialist rule of law in China. In 2017, the 19th CPC National Congress further highlighted the need of "ensuring every dimension of governance is law-based."

In 2018, the fifth amendment to China's Constitution was undertaken. One of the amendments was to update the "formulation of a sound socialist legal system" mentioned in the previous Preamble to the "formulation of sound socialist rule of law." This amendment signifies a foundational shift from "the socialist legal system" to "the socialist rule of law" and from "the basic principle" for work governance to the "basic strategy" for comprehensive rule of law. This adaptation marks a considerable stride in both the theoretical and practical realms of the socialist rule of law with Chinese characteristics.

III Practical Implications of the "Rule of Law in Foreign-Related Affairs": An Essential Facet of Law-Based Governance

Since the Third Plenary Session of the 11th CPC Central Committee, China's rule of law in foreign-related affairs has

28 See YUAN Shuhong, 党的十八大以来全面依法治国的重大成就和基本经验 (Major Achievements and Basic Experiences of Law-Based Governance since the 18th CPC National Congress).

29 XI Jinping, 在首都各界纪念现行宪法公布施行30周年大会上的讲话 (Speech at the Commemoration of the 30th Anniversary of the Promulgation and Implementation of the Current Constitution in Various Sectors of the Capital), 人民日报 (*People's Daily*), p. 2, Dec. 5, 2012.

made substantial advances. A series of important laws and regulations have been promulgated, relating to "the three laws on foreign investment,"[30] nationality, treaty procedures, entry and exit management, customs, maritime commerce, commodity inspection, foreign trade, application of foreign civil relations laws, foreign exchange management, biosafety, export control, data security, international criminal judicial assistance, counter-sanctions, maritime traffic safety, land borders, and measures to prevent improper extraterritorial application of foreign laws. China has joined almost all universal intergovernmental international organizations and has signed more than 25,000 bilateral treaties and more than 600 international conventions (including amendments).[31] In addition, specialized provisions related to foreign-related affairs have been included in basic laws such as civil and criminal laws, providing legal safeguards for the orderly opening up to the outside world. Between 1996 and 2006, during the decade before and after China's accession to the World Trade Organization (WTO) in 2001, China has carried out the largest-scale revision and promulgation of laws and regulations and policy measures since the founding of the People's Republic of China, abolishing, revising, and promulgating more than 3,000 laws and regulations.[32] Hence, a foreign-related legal system that conforms to China's national conditions and WTO rules has been basically established. As a result, China's discourse power, influence, and contributions within the realm of international legal affairs have been markedly enhanced.

However, it is undeniable that, despite these advancements, the rule of law in foreign-related affairs exhibits several vulnerabilities when contrasted with its domestic counterpart. The quantity of legislation in the field of foreign-related affairs is still relatively low, and a comprehensive legal framework for foreign-related affairs has not yet been established.[33] Areas such as foreign investment, foreign aid, ports, development zones, consular protection, the Belt and Road Initiative, extraterritorial application of domestic laws, and the

30 "The three laws on foreign investment" refer to the Sino-Foreign Joint Venture Enterprise Law (1979), the Foreign Enterprise Law (1986), and the Sino-Foreign Cooperative Venture Enterprise Law (1988). These laws created a basic legal environment for the development of foreign-invested enterprises in China and played an important role in promoting the great historical process of reform and opening up. After the Foreign Investment Law was passed during the second session of the 13th National People's Congress on March 15, 2019, and came into effect on January 1, 2020, the original "three foreign investment laws" were simultaneously abolished.

31 See HUANG Huikang, 从和平共处五项原则到构建人类命运共同体，为全球治理变革和国际法治贡献中国智慧——纪念新中国恢复联合国合法席位50周年 (From the Five Principles of Peaceful Coexistence to Building a Community of Shared Future for Mankind, Contributing Chinese Wisdom to Global Governance Reform and International Rule of Law: Commemorating the 50th Anniversary of the Restoration of China's Legitimate Seat in the United Nations), 3 国际法学刊 (*Journal of International Law*), (2021).

32 See 入世十年中国立改废3000多部法律法规 (10 Years After China's Entry into the WTO: Amendment, Reform, and Abolition of over 3,000 Laws and Regulations), 法制日报 (*Legal Daily*), p. 1, Nov. 18, 2011.

33 For example, the China's prevailing Company Law, Banking Law, Insurance Law, Partnership Enterprise Law, Securities Law, Enterprise Bankruptcy Law, Trust Law, and other commercial laws hardly mention any issues related to foreign-related commercial law and to any extraterritorial application of these laws, leaving many legal gaps. Furthermore, most of these laws stipulate the "territoriality principle," which confines their application only to the territory of China and fails to meet the needs of rule of law in foreign-related affairs.

domestic status and effect of treaties, lack clear regulations or have lower regulatory levels. Existing laws governing foreign trade, nationality, and the regulation of foreigners in China are often broad and lack the detailed specificity required for practical application. Furthermore, there is an urgent need to address issues of transparency in policy regulations, fortify law enforcement and judicial capacities to respond to China's growing global integration. Especially, the quantity and quality of existing legal talents in the field of foreign-related affairs are also insufficient for such challenges, while the internationalization of lawyers generally lags behind the internationalization pace of Chinese companies "going global." There are clear deficiencies in international legal talents of world-class standard, affecting important international positions, as well as internationally influential international law think tanks. The preparedness to deal with the "judicialization" risk of international disputes is severely inadequate.[34] All these shortcomings impede the deepening of China's openness to the world and highlight the necessity for comprehensive legal strengthening in foreign-related affairs.

At the international level, momentous changes not seen in a century are accelerating across the world. A new round of scientific and technological revolution and industrial transformation is generating fierce competition. Global issues such as climate change and pandemic prevention and control have unprecedented impacts on human society. The international environment for the Belt and Road Initiative is becoming increasingly complicated. The political, economic, security, diplomatic, and legal risks faced by Chinese enterprises in the process of "going global" are gradually accumulating and becoming evident.[35] The United States and some other Western countries are abusing the concept of national security and engaging in hegemonic behavior by leveraging state power to suppress Chinese enterprises. The threat of abusing "long-arm jurisdiction" continues to increase, and the diplomatic and legal battles based on rules are becoming more intense. Therefore, confronted by momentous changes not seen in a century, we need to foster a new pattern of development that is focused on the domestic economy and features positive interplay between domestic and international economic flows. We need to oppose containment and suppression by the United States and the West, foster a new type of international relations and build a human community with a shared future. These complex dynamics underscore the exigency for evolving the rule of law within foreign-related affairs.

As China's engagement with the outside world intensifies, the issue of national security is becoming more prominent than ever before, the scope in

34 See HUANG Huikang, 从战略高度推进高素质涉外法律人才队伍建设 (Promoting the Cultivation of High-Quality Foreign-Related Legal Personnel Team from a Strategic Perspective), 3 国际法研究 (*Chinese Review of International Law*), (2020).

35 Those cooperation projects under the "Belt and Road Initiative" usually have the characteristics of large investment and long cycle. The biggest risk lies in the political stability of countries along the road and the stability of bilateral relations between project partners. In recent years, political situations in many countries along the "Belt and Road" have been turbulent, and the security situation in many areas has been severe, with frequent terrorist attacks. The overseas security of Chinese enterprises and personnel has repeatedly sounded the alarm.

terms of time and space is broader than ever before, and the internal and external factors are more complicated than ever before. There is a rapid redistribution of China's national interests, stretching beyond domestic confines to a more balanced international presence. This extension is mirrored in economic strategies shifting from an emphasis on trade and inbound foreign investment to a balanced approach that includes outbound investment. The integration of China's interests with those of the external world is deepening, and its overseas interests are rapidly expanding in all directions and at multiple levels.[36] From the perspective of national interests, an "overseas China" (without territorial attributes) is under formation, as such, the protection of Chinese interests abroad becomes a diplomatic priority. However, despite these advances, there remains significant gaps in China's level of openness, its ability to leverage international and domestic markets and resources effectively, and its capacity to navigate international economic frictions. Additionally, its ability to handle international economic and trade frictions and strive for international economic discourse power is relatively weak, and its ability to apply international economic and trade rules is also not strong enough. Therefore, it is necessary to improve at a faster pace.[37] These factors compel an accelerated effort to enhance legal competencies to safeguard national interests.

The urgent need for strengthening the rule of law in foreign-related affairs has given rise to a major strategic decision by the central government to "strengthen the rule of law in foreign-related affairs" and "improve the level of legal governance in foreign-related affairs." In October 2014, the Fourth Plenary Session of the 18th CPC Central Committee clearly stated for the first time in a party's landmark document that it is necessary to "strengthen legal work in foreign-related affairs ... and use legal means to safeguard China's sovereignty, security, and development interests, strengthen legal services in foreign-related affairs and protect the legitimate rights and interests of Chinese citizens, legal persons overseas, as well as foreign citizens and foreign legal persons in China." The *Resolution* stated that "facing a new imperative and new tasks, our party must better balance China's overall domestic and international interests, better safeguard and utilize the important strategic

36 According to the statistical data in the "Statistical Communiqué of the People's Republic of China on the National Economic and Social Development in 2020" released by the National Bureau of Statistics on February 28, 2021, as well as the statistical data in the "Statistical Communiqué on China's Outward Foreign Direct Investment in 2020" jointly released by the Ministry of Commerce, the National Bureau of Statistics, and the State Administration of Foreign Exchange on September 29, 2021, several sets of data have strong indicative significance: (1) Foreign trade. In 2000, China's import and export trade was $474.31 billion, which increased to $4.66 trillion in 2020, making China the world's largest trading country in goods for consecutive years. China is the largest trading partner for more than 120 countries and regions. (2) Outward investment. In 2000, Chinese enterprises' overseas direct investment was $620 million, with an investment stock of $7.6 billion. In 2020, the overseas direct investment reached $153.71 billion, and the investment stock reached $2.58 trillion, rising from the 25th place in the world in 2002 to the 3rd place. (3) Economic dependence on foreign countries. In 2020, China imported 540 million tons of crude oil, 1.17 billion tons of iron ore, and 142.62 million tons of grain.

37 See the Publicity Department of the CPC Central Committee and the Office of the Commission for Law-Based Governance Under the CPC Central Committee, fn. 27 at 119.

opportunities for China's development, better coordinate social forces, balance social interests, regulate social relations, and standardize social behavior." The *Resolution* emphasized that the comprehensive advancement of the rule of law "must start from China's basic national conditions and be adapted to the continuing reform and opening up." It is necessary to adapt to the continuing opening up to the outside world, improve the legal and regulatory framework for foreign-related affairs, strengthen legal services in foreign-related affairs, participate in the formulation of international rules, promote the rule of law in handling foreign economic and social affairs, and enhance China's discourse power and influence in international legal affairs. Deepening international cooperation in the judicial field, improving China's judicial assistance system, and expanding the coverage of international judicial assistance are also essential.

The important statements and requirements mentioned above regarding "legal work in foreign-related affairs" indicate that in response to the continuing reform and opening up, and to create a new imperative of high-level opening to the outside world, it is crucial to enhance the rule of law in foreign-related affairs. Legal work in foreign-related affairs has become an important part of law-based governance and a crucial safeguard for the smooth progress of opening up. Undoubtedly, its significance and role have become more prominent. Under the overall goal of building a socialist rule of law system with Chinese characteristics and a socialist rule of law country, the necessary deployment of legal work in foreign-related affairs includes various dimensions such as using legal means to safeguard rights, improving the legal and regulatory framework for foreign-related affairs, strengthening legal services in foreign-related affairs, participating in the formulation of international rules, and deepening international cooperation in the judicial field. It can be said that this lays the foundation for the concept of "rule of law in foreign-related affairs."

On August 24, 2018, XI Jinping emphasized at the first meeting of the Commission for Law-Based Governance under the CPC Central Committee that "as China is closer to the world's center stage and participates in international affairs as a responsible major country, it must be adept at applying the rule of law. In the struggle with other countries, we must wield legal weapons, apply the rule of law, and dare to say no to disruptor and troublemakers. The global governance system is undergoing crucial adjustments and transformations, and we must actively participate in the formulation of international rules, acting as a participant, promoter, and leader in the process of global governance reform."[38]

On February 25, 2019, at the second meeting of the Commission for Law-Based Governance under the CPC Central Committee, it was noted that efforts should be made to accelerate the development of a legal system applicable beyond China's jurisdiction, to enhance the training of legal professionals in the foreign-related

38 XI Jinping, 加强党对全面依法治国的领导 (Strengthening the Leadership by the Party in Law-Based Governance in China), 4 求是 (*Qiushi*), 3 (2019).

field, to actively develop legal services in the foreign-related field, to strengthen corporate compliance awareness, and to ensure and serve high-level opening-up. XI Jinping emphasized at the meeting, "Efforts should be made to strengthen the rule of law in the foreign-related field and to create a favorable legal environment for advancing reform, development, and stability."[39] This is the first time that the concept of "rule of law in the foreign-related field" has been officially launched by the central authorities. On February 5, 2020, at the third meeting of the Commission for Law-Based Governance under the CPC Central Committee, XI Jinping further indicated, "Efforts should be made to strengthen the rule of law cooperation in the international field, move faster to formulate a legal system applicable beyond China's jurisdiction, enhance research and application of international law, and improve the level of rule of law in foreign-related affairs."[40]

On November 16, 2020, at the Central Conference on the Rule of Law, XI Jinping noted, "We must advance the rule of law in domestic and foreign-related affairs in a coordinated manner, develop the strategy of the rule of law in foreign-related affairs at a quicker pace, coordinate the advancement of domestic governance and international governance, and better safeguard national sovereignty, security, and development interests. We must strengthen the rule of law mindset, employ rule of law methods, effectively respond to challenges, and prevent risks. We shall comprehensively utilize legislation, enforcement, and judicial means to engage in struggles and resolutely safeguard national sovereignty, dignity, and core interests. We shall promote global governance reform and the development of a human community with a shared future."[41] This is the first time in the history of China's rule of law development that "rule of law in foreign-related affairs" has been placed on equal footing with "rule of law in domestic affairs" within the context of law-based governance and modernization of national governance capabilities. It highlights the status and role of rule of law in foreign-related affairs as an independent consideration within the national macro rule of law system.

The rule of law serves to solidify foundational principles, ensure predictability, and facilitate enduring benefits. In January 2021, the CPC Central Committee issued the *Plan on Developing the Rule of Law in China (2020–2025)*, highlighting the strategic application of legal tenets in international economic, political, and social affairs. The plan advocates for a more robust foreign-related legal system, emphasizing

39 XI Jinping, 完善法治建设规划提高立法工作质量效率，为推进改革发展稳定工作营造良好法治环境 (To Improve the Planning of the Rule of Law Development and Enhance the Quality and Efficiency of Legislative Work, to Create a Favorable Legal Environment for Promoting Reform, Development, and Stability), 人民日报 (*People's Daily*), p. 1, Feb. 26, 2019.

40 XI Jinping, 全面提高依法防控依法治理能力，为疫情防控提供有力法治保障 (Emphasizing the Need to Comprehensively Enhance the Capacity for Law-Based Prevention and Control and Law-Based Governance, to Provide Strong Legal Guarantee for Pandemic Prevention and Control), 人民日报 (*People's Daily*), p. 1, Feb. 6, 2020.

41 XI Jinping, 坚定不移走中国特色社会主义法治道路，为全面建设社会主义现代化国家提供有力法治保障 (Upholding Socialist Rule of Law with Chinese Features for Providing Legal Guarantee for Socialist Modernization), 人民日报 (*People's Daily*), p. 1, Nov. 18, 2020.

the need to address existing lacunae and elevate the overall standard of the rule of law in foreign-related affairs.

IV Accurately Understanding the Concept of "Rule of Law in Foreign-Related Affairs"

"The rule of law in foreign-related affairs" is a new concept[42] with many elements. To advance domestic rule of law and that of foreign-related affairs in a coordinated manner, it is essential to accurately grasp the essence of "the rule of law in foreign-related affairs," particularly its relationship with "domestic rule of law" and "international rule of law."[43]

Currently, The academic milieu in China has embarked on explorative journeys to crystallize this concept, yet a consensus remains elusive. Some scholars advocate defining the concept from the perspective of foreign legal relationships.[44] Others directly provide definitions for rule of law in foreign-related affairs.[45] Some scholars discuss the concept from the standpoint of addressing inadequacies, and shoring up points of weakness.[46] Others view the rule of law in foreign-related affairs as the combination, intersection, or overlap of domestic and international rule of law.[47] Furthermore, some scholars consider the rule of law in foreign-related affairs and international rule of law as very similar concepts, even arguing that the former includes the latter.[48] Hence no consensus has been built on this concept. Certainly, scholars can define or interpret "the rule of law in foreign-related affairs" from different perspectives, but the definition must reveal the essential attributes of the concept of it.

"The rule of law in foreign-related affairs" is an indispensable and important component of the socialist rule of law system

42 A concept is the crystallization of human understanding from sensory cognition to rational cognition, and it is the fundamental building unit in the cognitive thinking system of human beings. The National Standard of the People's Republic of China (2000) defines "concept" as "a knowledge unit formed by the unique combination of features." The current industrial standard in Germany defines "concept" as a "thinking unit that reflects common characteristics extracted from a group of things through the use of abstraction."

43 Professor HUANG Jin believes that in the construction of theoretical framework for the rule of law in foreign-related affairs, it is necessary to clarify the concepts of "domestic rule of law" and "the rule of law in foreign-related affairs," as well as the relationship between these two concepts and "the international rule of law." Only by resolving the relationship between concepts such as "foreign-related affairs" and "international affairs," "foreign-related laws" and "international law," and "rule of law in foreign-related affairs" and "international rule of law," can a clear understanding of China's rule of law system in foreign-related affairs be established.

44 See MO, fn. 3 at 34–35.

45 The rule of law in foreign-related affairs fundamentally refers to a country's handling of foreign-related affairs related to itself through the rule of law thinking and methods, including legislation, enforcement, judiciary, legal services, and all other aspects. See HUANG Jin & LU Yang, 习近平法治思想的国际法治意涵 (The Implication of the International Rule of Law Following the XI Jinping Thought on the Rule of Law), 3 政法论坛 (*Tribune of Political Science and Law*), 8 (2021).

46 See ZHANG Wenxian, 习近平法治思想的理论体系 (The Theoretical System of XI Jinping Thought on the Rule of Law), 1 法制与社会发展 (*Law and Social Development*), 51 (2021).

47 See HUANG Jin, 强化涉外司法审判工作、促进涉外法治体系建设——在最高人民法院"一站式"国际商事纠纷多元化解决平台启动活动暨民四庭研究基地调研座谈会上的发言 (Strengthening Foreign-Related Judicial Adjudication Work and Promoting the Construction of the Foreign-Related Rule of Law System: Speech at the Launching Ceremony of the Supreme People's Court's "One-Stop" International Commercial Dispute Resolution Platform and the Research Base of the Fourth Civil Division), Jul. 25, 2021.

48 See HE, fn. 3 at 183.

with Chinese characteristics. Together with domestic rule of law, it forms the "two wings of a bird or two wheels of a cart" in the strategy of law-based governance. "The rule of law in foreign-related affairs" refers to the collection of the concepts, principles, systems, and rules that adjust foreign legal relationships within the socialist rule of law system with Chinese characteristics. It includes many aspects such as legislation in foreign-related affairs, enforcement in foreign-related affairs, judicial activities in foreign-related affairs, legal services in foreign-related affairs, and judicial cooperation between China and other countries. Coordinating the promotion of the rule of law in domestic and in foreign-related affairs, and coordinating domestic governance and international governance, is one of the logical and core requirements of the XI Jinping Thought on the Rule of Law. As an integral part of the rule of law in national affairs, the rule of law in foreign-related affairs acts as a bridge between the independent legal systems of the rule of law in national affairs and international rule of law.

The author's article entitled "Advancing the Rule of Law in Domestic and Foreign-Related Affairs in a Coordinated Manner" was published in the *Study Times* in January 2021, and made a preliminary exploration of the relationship between the rule of law in foreign-related affairs and domestic rule of law. The article said that "national governance and international governance, domestic rule of law (including the rule of law in foreign-related affairs) and international rule of law, although belonging to two different categories of governance and legal systems, are interconnected, mutually influential, and integrated with each other." "domestic rule of law and the rule of law in foreign-related affairs are two aspects of the rule of law in national affairs, and domestic rule of law and international rule of law are two aspects of the rule of law in global affairs, both of which are indispensable."[49] Here, the author prefers "the rule of law in foreign-related affairs" as a part of rule of law in domestic affairs (broad sense), but since there is no further accurate interpretation of "domestic rule of law," such a definition can easily trigger logical ambiguity.[50] In fact, just like many legal concepts, "domestic rule of law" can also be interpreted in either broad or narrow senses.[51] Broadly, domestic rule of law refers to an independent legal system that is relative to international rule of law. It includes both rule of law activities concerning purely domestic affairs and those concerning a country's foreign-related affairs. Narrowly, domestic rule of law is a component of the rule of law system in national affairs and is parallel to rule of law in foreign-related affairs.

Traditional theories of the rule of

49 See HUANG, fn. 3.

50 See HE Zhipeng & GENG Xiaoxue, 国内法治与涉外法治的良性互动 (Positive Interaction Between Domestic Rule of Law and the Rule of Law in Foreign-Related Affairs), in "一带一路"涉外法治研究 2021 (*Study on the Rule of Law in Foreign-Related Affairs Under the Belt and Road Initiative 2021*), edited by CHEN Liqiang, 人民出版社 (People's Publishing House), at 18–19 (2021).

51 For example, according to the Vienna Convention on the Law of Treaties, treaties are divided into broad-sensed and narrow-sensed. Broad-sensed treaties refer to "international written agreements concluded between states and governed by international law" regardless of their names or forms; narrow-sensed treaties only refer to agreements that are called "treaties" relative to other types of agreements such as conventions, covenants, and charters.

law generally classify law into domestic law, which adjusts internal social relations within a country, and international law, which primarily regulates relations between sovereign states. Correspondingly, the rule of law is divided into domestic rule of law and international rule of law. The concept of "the rule of law in foreign-related affairs" is an important innovation and development of the theory and practice of socialist rule of law with Chinese characteristics. It reflects the idea of coordinating and utilizing the "two imperatives," "two markets," "two types of resources," and "two sets of rules" internationally and domestically. It highlights the significant role of the rule of law in foreign-related affairs in law-based governance and also raises new topics for the rule of law theories.

"Opportunity may knock just once, grab it before it slips away." As mentioned above, the concept of "rule of law in foreign-related affairs" arises from sizing up global development trends, addressing common global challenges, safeguarding the common interests of humanity, and advancing the rule of law in domestic and foreign-related affairs in a coordinated manner. This concept relates to active engagements in the transformation of the global governance system and promotes the grand practice of building a human community with a shared future. This concept has constantly evolved and developed through practical experiences.

From the perspective of the rule of law pattern, law-based governance encompasses both the domestic and international imperatives. In terms of the domestic imperative, it involves the development of domestic rule of law and also in foreign-related affairs, including issues of legislation, enforcement, judiciary, compliance, application of the law, and legal services in various fields. In terms of the international imperative, it requires active participation in the transformation of the global governance system, promoting the democratization and rule of law in international relations, and leading the development of a fair and just international rule of law. Advancing the rule of law in domestic and foreign-related affairs in a coordinated manner, and actively participating in the development of international rule of law, is not only an inevitable requirement for building a great socialist rule of law country but also a solid safeguard for promoting the development of a human community with a shared future at the international level.[52]

From the perspective of the rule of law system, the rule of law in domestic and in foreign-related affairs are the "two wings of a bird or the two wheels of a cart" (comprehensively advancing the rule of law). They belong to and are subordinate to the rule of law system in overall national affairs under the jurisdiction of each country. The rule of law in national affairs and that in international affairs are two aspects of the rule of law in global affairs. They are interconnected, mutually influential, and integrated, but they belong to two different governance categories and rule of law systems. In fact, dividing the rule of law in national affairs into domestic rule of law and the rule of law in foreign-related

52 See HUANG, fn. 3.

affairs is not fundamentally different from other classification methods of China's socialist legal system. For example, from the perspective of legal departments, the socialist legal system of China includes seven legal departments: the Constitution and constitutional-related laws, civil and commercial laws, administrative laws, economic laws, social laws, criminal laws, and procedural laws (litigation and non-litigation procedures). From the hierarchy of legal norms, the Chinese system can be divided into three levels of legal normative systems, with the Constitution as the core and laws as the backbone, including administrative regulations, local regulations, and other normative documents. The concept of rule of law in foreign-related affairs emphasizes the importance of properly handling foreign-related legal relations and strengthening the development of the rule of law in foreign-related affairs in the overall strategy of law-based governance, particularly in the historical context of the intersection of the "two imperatives."

The extension and application of domestic law in foreign-related jurisdictions, as well as the transference and application of international law and foreign-related law within a country, require the mediation and connection of the rule of law in foreign-related affairs. "The rule of law in foreign-related affairs" may include specific elements of international rule of law. The latter may also include specific elements of rule of law in foreign-related affairs from various national legal systems. However, the rule of law in foreign-related affairs fundamentally belongs to the category of the rule of law in domestic affairs, rather than being a constituent part of international rule of law. Therefore, the rule of law in foreign-related affairs should not be regarded as a third legal system independent of the broad rule of law in domestic affairs (the rule of law in national affairs) and "international rule of law," nor should it be considered as an overlapping part between domestic rule of law and international rule of law, as in the so-called "tri-element theory." "The rule of law in foreign-related affairs" cannot be equated with "international rule of law," let alone replace or encompass it.

From this perspective, the concept of "the rule of law in foreign-related affairs" does not change the overall framework of the dichotomy between domestic law and international law. It remains fundamentally a part of domestic rule of law.[53] Although there may be some overlap between specific aspects of the rule of law in foreign-related affairs and international rule of law, such as the application of international customary law and international treaties ratified or acceded to by a country in its domestic jurisdiction, the overlap is not complete. Many laws and regulations within the scope of rule of law in foreign-related affairs are adjustments to domestic legal relations involving foreign-related affairs, independent of international law. The legislative basis for these laws is the country's constitution or relevant domestic laws, and their application is limited to within

53 The term "rule of law in domestic affairs" refers to the activities of a country based on sovereignty and the rule of law in handling its internal and external affairs, including legislation, enforcement, judiciary, compliance, and application of law.

the country's territory, without necessarily involving the application of international law. Similarly, the assertion that "the rule of law in foreign-related affairs is an extension of domestic rule of law to the outside world" is only partially extended, emphasizing that its legislative impact and applicability do not inherently transcend national borders.

V Coordinated Efforts to Expedite the Construction of Foreign-Related Affairs System

There is an inevitable requirement to advance the rule of law in both domestic and foreign-related affairs in order to comprehensively advance the rule of law and to establish a rule-of-law China. In the face of a new round of opening-up, there is an urgent need to accelerate strategic planning and elevate the quality of the legal system governing foreign affairs. This involves addressing existing deficiencies and fortifying areas of vulnerability to safeguard national sovereignty, security, and developmental interests more effectively.

A | Reinforcing the Legal and Regulatory Framework in Foreign-Related Affairs

The landscape of legal issues in foreign-related affairs is expansive, encompassing various sectors, numerous interconnections, and demanding responsibilities. Firstly, we shall "adapt to the continuous deepening of opening-up, improve the legal and regulatory framework in foreign-related affairs, and promote the development of a new open economic system."[54] Priority initiatives include: advancing the legal infrastructure for foreign trade by developing and amending relevant laws and regulations; refining the operational framework for businesses, consistent with the Foreign Investment Law, and bolstering the national security review mechanisms related to foreign investments; adjusting and refining pertinent foreign investment regulations to ensure coherence between the Foreign Investment Law and the Company Law; instituting laws and regulations governing overseas investments, consolidating the management framework for such investments, and delineating the role of enterprises and individuals in this context, while enhancing supportive services; catering to the necessity of bolstering foreign aid efforts, constructing a distinct legal system for foreign aid that reflects Chinese characteristics; enhancing legal frameworks managing foreign nationals' engagements, developing norms for their residency and employment, and instituting laws to oversee the administration of refugees and international non-governmental organizations within China; accelerating the formulation of laws and regulations surrounding consular protection, and defining the rights and responsibilities of governments and citizens in these matters, among others.

For a focused legislative effort in foreign affairs, it becomes essential to fast-track the creation and amendment of critically needed foreign-related laws,

54 See XI, fn. 11 at 1.

based on their urgency and significance. In the field of diplomacy, it is important to promptly enact fundamental laws such as the Law on Foreign Relations, the Law on Treaty Implementation, the Law on Foreign Sovereign Immunity, the Maritime Basic Law, the Law on Countering Interference, the Law on Countering Overseas Corruption, and the Law on Foreign Agents. In the field of civil and commercial matters, supporting work on drafting the Code of Private International Law is needed to establish a comprehensive system for jurisdiction, law application, and judicial assistance in foreign-related civil and commercial matters. In the field of criminal law, it is necessary to revise the Criminal Law and define separate sections or chapters on foreign-related crimes to provide more comprehensive provisions on the extraterritorial application of such laws. In the Criminal Procedure Law, specific chapters should be dedicated to foreign-related procedural rules, and the International Criminal Judicial Assistance Law should be improved. In the field of administrative law, relevant provisions on extraterritorial application should be added to administrative laws and regulations such as Administrative Licensing Law, Administrative Penalty Law, Tax Law, Environmental Protection Law, Cybersecurity Law, and Customs Law, based on specific circumstances. The rules of procedure for foreign-related administrative litigation should be improved, and the International Administrative Mutual Assistance Law should be formulated. Whereas in the field of economic law, territorial provisions in Chinese laws such as Company Law, Enterprise Bankruptcy Law, Banking Law, Insurance Law, Securities Law, Fund Law, Anti-Monopoly Law, and Anti-Unfair Competition Law should be abolished, and dedicated chapters on foreign-related matters should be added to provide clear legal basis for the extraterritorial application of domestic laws.

B | Clarifying the Positions and Implications of International Treaties in Domestic Law

In comprehensive rule of law, "law" encompasses both domestic and international law. However, However, the current legal framework insufficiently defines the standing and influence of international treaties within domestic legal system.[55] This ambiguity represents a "weak link" in the strategic composition of the rule of law concerning foreign affairs and poses a considerable challenge in the development of a foreign-related legal system. Pursuant to central government directives, it is critical to adhere to reformative guidance and a problem-centric approach, harnessing both domestic and international regulations, adapting to the demands of modernizing national governance systems and capabilities, and tackling salient issues to achieve innovative breakthroughs.

"Agreements must be kept" (*pacta sunt servanda*) is an important principle of international law and the fundamental basis for maintaining stability in international relations and the international legal order.

55 See ZHAO Jianwen, 国际条约在中国法律体系中的地位 (The Status of International Treaties in the Legal System of China), 6 法学研究 (*Chinese Journal of Law*), 190 (2010).

Treaties that China enters into or accedes to carry legal obligations.[56] Integrating these treaties into domestic law is a pivotal step toward a synchronized advancement of the rule of law in domestic and foreign affairs, contributing to the congruous progression of domestic and international governance. This integration signifies China's pledge to respecting treaty commitments based on the rule of law, reinforcing its role in enhancing international legal governance.

Addressing the impact of treaties within China's legal system remains a formidable task in balancing the relationship between international and domestic law. Concerns arise, particularly among those wary of the indiscriminate integration of all treaties into domestic law, due to the varied types and hierarchical statuses of treaties. To be specific, the treaties that are approved by or decided to be acceded to by the National People's Congress (NPC) Standing Committee are only a small part of numerous treaty-based agreements. If all treaties are indiscriminately treated as domestic laws, it may lead to the abnormal situation where lower-ranked treaties have greater effect than laws formulated by the NPC Standing Committee, thereby undermining the unity of China's legal system.[57]

To mitigate these concerns, it is advisable to adhere to the principle of "constitutional supremacy." The Constitution, as China's supreme law, reigns over all other legal instruments, including treaties. Hence, while treaties should be integrated into the Chinese legal framework, their authority should neither surpass nor equate to that of the Constitution. Learning from international precedents, such as recent constitutional amendments in Russia, could be insightful.[58] Secondly, according to the relevant provisions of the Constitution and the Law on the Procedure of Treaty Conclusion, treaties concluded or joined by China should be divided into three categories: treaties approved or decided to be joined by the NPC Standing Committee, treaties approved, ratified, accepted, or decided to be joined by the State Council, and agreements within the jurisdiction of central government departments for foreign-related affairs. These categories should be endowed with legal statuses equal to those of laws, administrative regulations, and departmental rules, respectively. More specifically, treaties approved or decided to be joined by the NPC Standing Committee, in accordance with constitutional and

56 According to the Vienna Convention on the Law of Treaties, any valid treaty is binding on the parties involved and must be performed in good faith. A party to a treaty cannot invoke its domestic laws as a reason for not fulfilling the treaty obligations. In diplomatic practice, when China ratifies, approves, or accedes to a treaty, the instruments of ratification, approval, or accession contain the following wording: "The People's Republic of China (Government) will fully comply with all the provisions of the treaty (agreement)."

57 See CHEN Liping, 一些常委委员和列席人员建议明确国际条约在我国的适用 (Some NPC Standing Committee Members and Observers Suggest Clarifying the Application of International Treaties in China).

58 According to Article 79 of the revised Russian Constitution in 2021, the Russian Federation can participate in intergovernmental associations and transfer some of its powers to these associations based on international treaties, provided that such actions do not restrict the rights and freedoms of any citizen and do not violate the constitutional foundations of the Russian Federation. Resolutions made by intergovernmental organizations based on international treaties that contradict the Russian Constitution shall not be enforced within the Russian Federation.

legal provisions, should have the same legal effect as laws formulated by the NPC Standing Committee, once they are approved or agreed to be joined through the legally prescribed procedure and become effective in China. Treaties approved, ratified, accepted, or decided to be joined by the State Council should have the same legal effect as administrative regulations formulated by the State Council, once they are approved, ratified, accepted, or agreed to be joined through the legally prescribed procedure and become effective in China. Agreements within the jurisdiction of central government departments for foreign-related affairs should have the same legal effect as departmental rules formulated by the government departments, once they are concluded in accordance with the legally prescribed treaty-making procedures and become effective in China.

C | Accelerating the Development of Legal System for China's Extraterritorial Jurisdiction

The extraterritorial application of Chinese law constitutes a pressing concern in the ongoing enhancement of the rule of law in foreign-related affairs.[59] The Fourth Plenary Session of the 19th CPC Central Committee stated the need to "accelerate the development of a legal system applicable to China's extraterritorial jurisdiction," highlighting the urgency of establishing a framework for the extraterritorial application of Chinese law. In fact, the international stature of a nation, coupled with the intensified global activities of its citizens, necessitates the extension of domestic laws beyond national frontiers. Especially in the current international imperative where the "two major issues" are intertwined, accelerating the development of a legal system applicable to China's extraterritorial jurisdiction, establishing standards and procedures for the extraterritorial application of existing laws, and strengthening law enforcement and judicial practices in foreign-related affairs, can effectively help address the challenges and threats posed by the United States and the West to China's sovereignty, security, and development interests. This strategy is instrumental in enhancing and fortifying the legal toolbox for diplomatic engagements.

From a global standpoint, the extraterritorial enforcement of domestic laws should be a pivotal aspect of foreign relations law adjustments. The pertinent framework ought to encompass normative principles, operational procedures, and enforcement methodologies for China's law in specific arenas, as well as precise legislative measures addressing the conduct of certain nations outside China's jurisdiction.

The issue of extraterritorial application of Chinese law has been placed on the important agenda of China's rule of law development. However, generally, this work has only just begun and has not yet created a complete legal system. An immediate step is the establishment of an autonomous law governing the extraterritorial application of domestic

59 See LIAO Shiping, 中国法域外适用法律体系：现状、问题与完善 (Extraterritorial Application Legal System of Chinese Law: Current Situation, Problems, and Improvement), 6 中国法学 (*China Legal Science*), 21 (2019).

statutes, accompanied by the enhancement of respective administrative and judicial structures, and formulating counteractive measures for the extraterritorial imposition of domestic law on other nations. The enactment of a cohesive domestic law on extraterritorial applications mandates explicit articulation of the applicability and prerequisites of Chinese civil and criminal statutes beyond national boundaries. It is also imperative to refine mechanisms for such applications, including the formation of interdepartmental collaboration frameworks to maintain the consistency and credibility of the extraterritorial enforcement of Chinese law. Enforcement strategies and judicial procedures in foreign-related instances must be intensified to augment the precision, plurality, and adaptability of the extraterritorial imposition of Chinese law. It is crucial to sophisticate existing norms and protocols for extraterritorial enforcement, fortify law enforcement practices, and enhance international judicial and law enforcement collaborations. Furthermore, augmenting foreign legal services is essential to protect the legitimate prerogatives and interests of Chinese entities abroad and foreign entities within China, while defending the rights of overseas Chinese nationals pursuant to the law.

D | Providing Legal Guarantee to Build a Human Community with a Shared Future

Building a human community with a shared future is intrinsic to XI Jinping Thought on Diplomacy. It is also a distinct banner under which China can lead the trend of the times and the progress of human civilization.[60] To build a human community with a shared future requires the solidification and support of international law, as well as the coordinated advancement of domestic governance and international governance. Providing legal safeguards for building a human community with a shared future is an important foundation on which China can foster the rule of law in foreign-related affairs.

In this legal realm, our dedication to peaceful development is paramount. In international relations and global governance, we shall uphold democracy, equality, and justice, and promote the development of international rule of law. We shall staunchly support the UN-centric international framework and an international order anchored in international law, advocating for democratization and the rule of law in global interactions. We shall actively participate in the formulation of international rules, enhance China's voice and influence in international legal affairs. We shall continue to be builders of world peace, contributors to global development, defenders of the international order, and leaders in the transformation of global governance, offering Chinese insights, might, and solutions to the quest for a human community with a shared future through a rule of law approach.

We shall stay committed to mutual respect and equality in consultations,

60 See YANG Jiechi, 以习近平外交思想为指导深入推进新时代对外工作 (Advancing the Foreign-Related Affairs in the New Era Following XI Jinping Thought on Diplomacy), 15 求是 (*Qiushi*), 3 (2018).

abandon Cold War mentality and power politics, and firmly pursue a new path of state-to-state interaction based on dialogue rather than confrontation and partnership rather than alliance, aiming to build a world of enduring peace. We shall promote co-development and sharing, resolve disputes through dialogue, and address differences through consultation. We shall coordinate responses to traditional and non-traditional security threats, oppose all forms of terrorism, and strive to build a world of universal security. We shall uphold win-win cooperation and solidarity, promote trade and investment liberalization and facilitation, advance economic globalization in a more open, inclusive, beneficial, balanced, and win-win direction, and work towards a world of common prosperity. We shall promote exchanges and mutual learning, respecting the diversity of world civilizations, transcending cultural barriers through cultural exchanges, overcoming cultural conflicts through cultural mutual learning, and moving beyond notions of cultural superiority towards coexistence, with the goal of building an open and inclusive world. We shall prioritize environmental friendliness, promote green and low-carbon development, cooperate in addressing climate change, and protect the Earth as our common home, to build a clean and beautiful world.[61]

XI Jinping emphasizes that "as China moves closer to the center of the global stage, assuming its role as a responsible major country, mastery in wielding the rule of law is required. In foreign-related confrontations, legal instruments must be our weapons, we must occupy the moral high ground of the rule of law, and have the courage to oppose disruptors and provocateurs."[62] China harbors no designs on other nations' interests and bears no grudges against their progress, yet it will not relinquish its legitimate rights and interests. In matters of core interests, the drawing of unequivocal lines is mandatory. Strengthening the legal mindset, advocating rule-based discourse and actions, opposing hegemonic exploitation of "long-arm jurisdiction," and adeptly navigating transnational economic and legal frictions and disputes through legal means are crucial to safeguarding national interests and those of Chinese entities and individuals abroad.[63]

"Nothing can be accomplished without norms and standards." Building a human community with a shared future indicates a community under international law. Good laws are the bedrock of effective governance, and law should be the universal benchmark. "It is thus incumbent on all member states to uphold the authority of the international rule of law, exercise their rights in accordance with the law, and fulfill their obligations in good faith. The essence

61 See Research Group on a human community with a shared future and International Law, 人类命运共同体的国际法构建 (The Construction of International Law for a Human Community with a Shared Future), 1 武大国际法评论 (*Wuhan University International Law Review*), 11 (2019).

62 See XI, fn. 39.

63 The "China's Peaceful Development White Paper" released by the State Council Information Office on September 6, 2011 clearly stated that "China's core interests include the following: state sovereignty, national security, territorial integrity and national reunification, China's political system established by the Constitution and overall social stability, and the basic safeguards for ensuring sustainable economic and social development."

of law is also found in its fairness and justice. All UN member states and international judicial bodies should ensure equal and coherent application of international law, eschewing double standards or selective enforcement, thereby guaranteeing true global equality and justice."[64]

VI Conclusion

XI Jinping Thought on the Rule of Law in foreign-related affairs constitutes a profound and comprehensive theoretical system. It upholds the mission of realizing the great rejuvenation of the Chinese nation, coordinates the domestic and international imperatives, advances the rule of law in domestic and foreign-related affairs in a coordinated manner, and harmonizes national governance and international governance. It aims to promote the development of a human community with a shared future, which is its consistent fundamental purpose and goal. This strategic transition from a "socialist legal system" to "socialist rule of law" fortifies the theoretical underpinnings essential for bolstering the rule of law within foreign-related spheres.

Law-based governance is an essential requirement and important safeguard of socialism with Chinese characteristics. It represents a profound revolution in national governance. Upholding the rule of law means that, in the new journey of realizing the second-century goal, the Party advances the modernization of the national governance system and governance capacity, and continuously creating a new imperative in the development of the Party and the country. It is one of the basic strategies.

The concept of "rule of law in foreign-related affairs" adopts various interpretations across different contexts. In terms of governance philosophy, it reflects a holistic approach to implementing the rule of law in foreign engagements. Ideologically, it signals the evolutionary progression of the Marxist legal theory, representing a critical facet of XI Jinping Thought on the Rule of Law. Within the legal system, it integrates into the socialist rule of law with Chinese characteristics, paralleling the domestic rule of law in a narrower sense, thereby forming the dual pillars of domestic rule of law. Functionally, it enhances China's core competitiveness and stands as a steadfast protection for building a human community with a shared future. Its essence is to advance the rule of law in domestic and foreign-related affairs in a coordinated manner, enhance the modernization of national governance capacity, and provide a solid legal guarantee for the great rejuvenation of the Chinese nation and the building of a human community with a shared future.

To accurately understand the concepts of "rule of law in foreign-related affairs" and "domestic rule of law" and their relationship, it is imperative to internalize the strategic concept of the "two imperatives." Progressing the rule of law domestically and beyond borders should complement

64 XI Jinping, 共同构建人类命运共同体——在联合国日内瓦总部的演讲 (Towards a Community of Shared Future for Mankind: Speech at the United Nations Office at Geneva), 人民日报 (*People's Daily*), p. 2, Jan. 20, 2017.

and facilitate the harmonization of the two imperatives of domestic and international affairs. The starting point and goal of foreign-related legal work must always align with work of the Party and the state, based on the fundamental interests of the broad range of people, and on the grand goal of comprehensively advancing the rule of law and building a rule-of-law country. Internally, we shall pursue fairness, justice, common prosperity, social harmony, and rule of law. Externally, we shall make good use of law, effectively respond to challenges, guard against risks, resolutely defend our national sovereignty, security, and development interests. In the international community, we shall uphold justice, defend principles, promote democratization and the rule of law, building a human community with a shared future.

The work of rule of law in foreign-related affairs is related to national sovereignty, security, and development interests. It serves as a pivotal mechanism for propelling the modernization of national governance systems and capabilities and acts as an essential buffer ensuring the continuity of comprehensive reforms. As China aspires to ascend as a formidable entity in terms of comprehensive national power and international clout, it is imperative to consolidate a rule-of-law mindset, intensify the evolution of foreign-related legal systems, and manage international legal matters more expansively, profoundly, and meticulously. This endeavor is as immediate as it is a sustained commitment.

The mandate of the rule of law in foreign-related affairs should be to continue the great rejuvenation of the Chinese nation. Efforts in this domain should fortify legal consciousness, defend the nation's core interests, and assure the sovereignty, security, and developmental objectives of the state, thereby undergirding the monumental task of the great rejuvenation of the Chinese nation and the construction of a human community with a shared future.

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