Invitation

CILRAP’s founder coined the term ‘positive complementarity’ in 2002 and CILRAP’s department CMN has engaged in various capacity development and knowledge transfer projects in more than 20 countries the last 7-8 years. We remain committed to such activities, especially the development of open access tools that empower users in materially less resourceful countries. But since 2012, CILRAP has developed a further front of ‘capacity engagement’ in its activities, focusing initially on China and subsequently also India, two countries with exceptional human resources. Without exaggerating CILRAP’s modest contributions, we invite other actors, with much greater resources, to explore and develop capacity engagement practice, not restricted to China and India. Doing this effectively entails deploying some resources locally, a measure of individual and institutional commitment, and transparent motivation.

CILRAP has invested in capacity engagement in the conviction that the international law discourse should be broadened to include more voices from China, India and other so-called emerging states. This will expand the range of perspectives available in the discourse and ensure that it is genuinely global, owned by all. Significantly increasing the number of qualified discourse actors, who write well in the English language, may generate more and better ideas for how international law and organizations can help us solve common problems. An expanded international law discourse is in the interest of deeper global integration. Engaging international law capacity in China and India serves the interest of all, not just of these countries.
CILRAP contributions in China and India

Since 2012, CILRAP has made deliberate efforts to engage international law capacity in China and, more recently, India, in particular in the disciplines of international criminal, human rights and humanitarian law. Between 2012 and 2016, four key CILRAP actors have taught 38 international law courses in China, instructing more than 1,400 students at five universities. Six international expert conferences have been held (five in the LI Haopei Series), and CILRAP’s publisher – the T orkel Opsahl Academic EPublisher – has published 41 authors from China and India, and seven books co-edited by Chinese. Among the topics of these publications are:

- State Sovereignty and International Criminal Law
- On the Proposed Crimes Against Humanity Convention
- Military Self-Interest in Accountability for Core International Crimes
- Quality Control in Truth and Reconciliation Processes
- Quality Control and the Mandate of International Fact-Finding
- Quality Control and the Selection of Members of International Fact-Finding Mandates
- International Law and International Humanitarian Law in Ancient China
- The Manusmṛti and Laws of Warfare in Ancient India
- Chinese Confucianism and Other Prevailing Chinese Practices in the Rise of International Criminal Law
- In Search of Justice for China: The Contributions of Judge Hsiang Che-chun to the Prosecution of Japanese War Criminals at the Tokyo Trial
- Historicising Radhabinod Pal’s Tokyo Judgment in Light of his ‘Indian’ Legal Philosophy
- The 1956 Japanese War Crimes Trials in China
- Mitigating Circumstances in International Criminal Sentencing
- Contribution of the United Nations Ad Hoc Tribunals to the Development of International Criminal Law
- The International Humanitarian Law Implementation Paradigm and the Idea of Military Self-Interest in Accountability
- Implications of the Criminalisation of Aggression
- Conspiracy to Commit Genocide and Its Exclusion from the ICC Statute
- ‘Dignity’ and the Incomplete Grounding of International Human Rights
- Protecting the Right to Life From Nuclear Weapons
- Implementation Discretion and Relevancy of Economic and Social Rights
- Who Politicizes the International Criminal Court?
- The Role of International Criminal Law in the Global Legal Order
- On Human Rights and Traditional Culture
- Sexual Violence in Private Space: Marital Rape in India
- India and the International Criminal Court

CILRAP has presented several international law scholarships in China and India since 2014, either for students only or for all citizens residing in China or India respectively. The topics are carefully selected for intellectual novelty or ability to contribute to betterment of society, and the best papers are edited and published. CILRAP has offered the M.C. Bassiouni Justice Award to a young Chinese scholar, by that, helping students to find suitable Asian role models in the field. Moreover, CILRAP has actively supported the Legal Tools Database in the contexts of China and India. This public commons of legal sources in international criminal law enjoyed no less than 829,244 hits in China in 2015.

Capacity engagement

From among these activities, we would like to highlight the person-centred investment in the international law research, writing and publishing of younger Chinese and Indian lawyers. This requires engagement with the capacity of a few talented and hard-working young lawyers in these countries. The engagement is not ad hoc but sustained over some time, and incisive in its concentration on a specific research idea, problem or issue. Substantive thoughts are shared by the resource person, always grounded in the basics of the international legal order, in particular the UN Charter and the Nuremberg and Tokyo legacy. Feedback is conscientiously offered during the writing process. Ideally, such engagement helps the younger lawyer to appreciate a standard of meticulous, in-depth analysis and writing. To engage capacity in this way, CILRAP’s experience is that commitment is important, as reflected in presence, respect, service and the will to share ideas, new language, and skills.

Need for supplementary approach

The human resources of China and India are so extraordinary, and the development already so advanced, that traditional approaches to capacity development in international law are inadequate in these countries. Conventional training have made very significant contributions through, inter alia, internship programmes in international organizations, well-