



## Legal Cooperation in Perspective of Belt and Road Initiative and China Pakistan Economic Corridor

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### **ABSTRACT**

Belt and Road Initiative (BRI) which is also known as One Belt One Road (OBOR), is a mega project to tie Asia with Europe, the Middle East and Africa. With the importance of BRI is also raising a various questions, especially regarding to the viability of its implementation and its influence on its region. Cooperation can play a vital role to complete the task effectively and efficiently and cooperation between China and BRI countries has a great importance. Every country attached with the BRI has its own legal system so that the legal cooperation among the BRI countries is most important element and could play a major role to fulfill the desire benefits for every stakeholder. This study will focus at the BRI and legal cooperation between China and the BRI countries and how legal cooperation among the BRI countries can be improve.

**Keywords:** *Belt and Road Initiative, Pak-China Relationship CPEC, guidebook, legal system, law firms, and legal cooperation.*

### **BELT AND ROAD INITIATIVE (BRI)**

China has started work to establish a world's biggest economic platform which is

connecting China to Central Asian and the Arab world. The President Xi Jinping (2013) was suggested to build a network of road,

railway, pipelines, and utility grids that link China, Central Asia, West Asia, and the parts of South Asia. The Belt and Road Initiative (BRI) is creating a physical connections among the regions attached in project. The aim of BRI is also to establish the world's biggest platform for economic, trade, finance, social, cultural and policy cooperation. The state council China was approved this plan in 2015. BRI consisted on two parts; Silk Road Economic Belt is a first part and the second one is 21 centuries Maritime Silk Road. (1)

Several routes are proposed for the 'i



McKinsey&Company

Figure1: Proposed routes of Silk Road (2)

The Maritime Silk Road projects will link the continents from South Asia to East Africa, and Europe to East Asia through the oceans and also will touch the Western pacific to Mediterranean Sea and the Indian Ocean routes. There are many ports but have less capacity of greater trade. China have hegemonic designs of BRI framework, many projects are facing problems in Chinese neighbor countries in Western pacific, specially seeking defense agreement with USA and Japan for recreation of peaceful relations (3). Gwadar port of Pakistan is contributing to faster and secure transportation of oil from Middle East to China, through shorter routes and stay away from the state of Malacca, in South Chinese Ocean. China will also take turn in safe access to Gwadar through its own borders. At present transportation have required 45 days from Middle East to reach the Strait of Malacca. Through Gwadar port it could be reduced to minimum 10 days (4).

China has signed many joint collaboration agreements related to this plan with Turkey, Tajikistan, Russia,

Hungary, and Mongolia. Many projects are in their progress. Train connection between Eastern China and Iran that hopefully expand to Europe. Over 200 companies have signed joint agreements for those projects which are attached to BRI routes. The development of six major economic corridors has included the China–Mongolia–Russia, New Eurasian Land Bridge, Indo-China Peninsula, China Western Asia–Central Asia, Bangladesh–China–India–Myanmar and China-Pakistan Economic Corridor

BRI will spread to 4.4 billion populations of the world and its economic volume is US\$ 21 trillion, respectively 63 and 29 percent of world total population and economic volume (5). The plan of this corridor is to establishing and increasing economic growth, regional cooperation, offering trade changes, energy sectors, mining sectors, transportation and political stability. The BRI will change the image of the world and it is an open plan that would gather many regions of Asia, Europe, Africa, ocean and Middle East through a

combination of free trade, new infrastructure and diplomacy. (6)



Figure2: Infrastructure ties BRI (7)

BRI infrastructure ties has Northern route, Central route and Southern route Northern route starts from Beijing will pass through Russia and link to European cities. Central route starts from Shanghai and connect the country to Tehran, Tashkent, and towards Bandar Imam Khomeini port of Iran and the Persian Gulf. This route is longer but has an option, if Pakistan does not provide on the timelines of finishing the road network to become a beneficiary of the New Silk Road Economic Belt (8). The Southern route starts from Guangzhou that



is third biggest city of China in South Central China. This route goes toward Western parts of China and links Kashgar with Pakistan at Kunjarab; it is a point where China wants to connect the Gwadar Port with the Arabian Sea. It is shortest and sound option for China (9). China Pakistan Economic Corridor (CPEC) is the progressive part of the BRI. It is possible to obtain a deep understanding of the New Silk Road by looking at how CPEC is going to make advance and influence to Pakistan in its neighbor countries (10). In 2013 Premier Li Keqiang during his state visit to Europe and Asia also unveiled and promoted it. "The plan involves more than 60 countries, who was representing a third of the world's total economy and more than half of the total population of the world". (11). China has started the Asian Infrastructure Investment Bank (AIIB) and organized US\$ 40 billion fund for Silk Road (12). Through CPEC China can increase its trade and commercial activities in different regions of the world. China pays its attention on the Bangladesh-China-India-Myanmar (BCIM) corridor that

provides China's landlocked Yunnan region access to the Bay of Bengal (13).

### PAK-CHINA RELATIONSHIP

Pak-China relations were started since 1950. First decade of relations was not good but after 1960 these started to go better. But the relations went up rapidly after the wars between, Pakistan-India and China-India. Luckily, at that time minister for foreign affairs, Sir Zafarullah Khan, had some knowledge about Chinese state of mind, which smoothed the way for these relations (36). In 1949 after the deflation of Indian currency which made bad impact on the economy of Pakistan, after that relation of both the countries became stronger. Coal import of Pakistan was halted by this deflation and there was no choice for Pakistan except China for trade agreement on barter system of coal for cotton. Pakistan also supports China to get the permanent seat of United Nations Security Council (36). Relations were more improved after the signed on a trade agreement in 1953 (37). In 1954 and 1955 signing on



SEATO and CENTO respectively created some doubt among Chinese, they perceived it such as a threat to national and regional security. Pakistan makes clear China that these signed only as a safeguard against the threat from India (38). Pakistan also used the Bandung Conference to clear up the doubts and China authenticate Pakistan's seven pillars of peace in that conference (39)

In 1959 President Ayub Khan's speech about Tibet again created complications for Pakistan with repute to relations with China (Jain, 1981). Luckily, the loss was managing by the Foreign minister Zulfikar Ali Bhutto and foreign secretary S. K. Dehlavi. In 1963 Mr. Bhutto Signing on agreement of border demarcation gave a motivation to Pak-China relations Furthermore, China helped Pakistan during the war of 1965 that bring about two nations more close to each other. During 1971 China's neutral stands was perceived by many Pakistani leaders as a sign of no interest (40).

From 1970s the Relation between two countries in all sectors gain more strengthened. China supported Pakistan in military, economic sector, missile and nuclear program, even during the time of restriction imposed by the US. This led to build a confidence between both countries people and policy makers. The outcome of this long-standing friendship, we can see a great achievement inform of China-Pakistan Economic Corridor (CPEC). A well-known saying that Pak-China friendship is higher than Himalaya, sweeter than honey and deeper than sea. As a result, in trade relations, both countries signed in May 12, 2001, on six agreements and a memorandum of understanding (MoU). It was expected that China's financial support for agreed projects worth over a billion dollars. The objective of these signing agreements is to grow trade and economic cooperation between two countries. In December 2004, both countries again signed on seven agreements, for further cooperation trade, communication, and in energy sector. More over in the prefer



entail trade agreement, the construction of joint-based industries agriculture and Chinese investment in Pakistan. In November 2006 During the visit of Chinese President Pakistan the two countries signed on 18 agreements FTA, including free trade treaty agreement, they optimism to increase trade from \$ 4.26 billion last years \$15 million more over the next five years (41).

#### **CHINAPAKISTAN ECONOMIC CORRIDOR (CPEC)**

The regional integration is an expected measure to see the demands of economically globalized world, the idea of Silk Road was rephrased by China in 2013 under 'BRI i.e., Economic Belt along the Silk Road and the 21 century Maritime Silk Road (14). Pakistan and China is a significant partner, Silk Road links China to the Central Asia, Middle East, Southern Asian regions and its Gwadar port offers direct access to the Indian Ocean and beyond. Both countries working on their strategic communication to safe common interest.

CPEC is a model of cooperation; it will bring changes at international and regional level and also serve against the backdrops. Over the years both countries have established strong economic ties and bilateral trade, China has become major partner in imports and exports. First long term trade agreement between both countries was signed in January 1963 (15). In November 24, 2006 both countries signed a Free Trade Agreements (FTA) and applied from July, 1, 2007. In February 21, 2009 both have signed the FTA on Trade in Services that was implemented from October 10 that year. CPEC is a mega-project will attain the economic and political objectives through the development of, trade and economic cooperation of both countries. This corridor will be helpful to create regional stability in South Asia (15, 14)

The initiative encouraged in different parts of Asia to accelerate economic growth by connecting backward regions by establishing the industrial centers, incorporation of trans-border and advance access to markets production



networks (16). In the late 1990's an earlier American proposed project under consideration, in earlier 1990's America planned project for gas and oil transported by a pipeline from the oil-rich Central Asian Republics (CAR's), through Baluchistan province of Pakistan and Afghanistan but this plan was dropped because of security concerns. Baluchistan can play a central role in the overall economy and the improvement of the objectives of national interest of Pakistan. Changing of geo-strategic environment, Pakistan is looking to improve security of its major province. First time in the history, Russia which had a cooled relationship with Pakistan, is now showing keen interest into the economic corridor, in addition building gas pipeline from Karachi to Lahore (17).

Under (CPEC) projects, China will invest \$46 billion for the development of transportation infrastructure and energy projects in Pakistan. These projects will open a new outlook for Pakistan, to mold it from geo-politics to geo-economics. It contains four pillars namely, workforce

development and economic progress, energy requirements, and infrastructure. CPEC projects have mega investment for the next 15 to 30 years. This time frame is important for Pakistan by the utilization of its resources and manpower. It can bring Pakistan at the line of, mainstream of global economies. If CPEC has been utilized properly, the economy of Pakistan will jump from three to four times (18).

In April 2015 Chinese President Mr. Xi Jinping came to visit in Pakistan, and both sides decided for boost of relationship towards an all-weather strategic partnership (19). During this visit, Pakistan and China signed fifty-one agreements (20). CPEC is a 'flagship project' of (BRI) and the economic & energy corridors are openly designed to encourage economic growth. It would be suitable to remark here that CPEC is a long-term broader framework with various projects that would be accomplished in various stages through bilateral agreements approved by the both countries as a win-win equation (17).



The main part of CPEC is Gwadar port, industrial zones, energy infrastructure, and communication infrastructure (21). The main purpose of corridor (CPEC) is to improve the well-being of people throughout the country and long-term socio-economic prosperity and political stability (22). Over the previous years the leadership of Pakistan and China has built an all-weather friendship and close political relationship. In 2015 The CPEC Council was established together address the challenges rising in the CPEC projects (23). The China Pakistan Economic Corridor council has opened offices in both Islamabad and Beijing respectively, the aim to assist and oversee the implementation of CPEC projects (24). CPEC is also a game changer for Pakistan and whole region. It is a mega project that has ability to renovate the lives of the people in the region by opening common outlooks of co-operation and development in the field of economic integration. CPEC is the important part of the Chinese leadership and inspired idea of modernization of ancient Silk Road under

the new BRI. It will connect the countries such as Egypt in the Middle East, European Countries and important global points in Eurasia. The network growing in the form of Land Silk routes and 21<sup>st</sup> century Maritime Silk routes will connect the regional countries through trade and economic boom in the region (18). CPEC is an important agreement between both countries China and Pakistan. It will enhance the trade and energy cooperation between both countries and will benefit to over three billion people in China, Middle East and South Asia (25).

The CPEC will be a network for the 21<sup>st</sup> century Maritime Silk Route concept for connecting about three billion people in Africa, Europe and Asia (26). As it was said by the Chinese President Mr. Xi Jinping: "The China-Pakistan Economic Corridor is located where the Silk Road Economic Belt and the 21st Century Maritime Silk Road meet (21). In 2010, China stated Kasghar, as an important transit point located on the ancient Silk Route and a doorway between China and Pakistan, as a Special Economic





Zone (SEZ) with the objective to the development of Xinjiang Province of Western China into a main trading basis leading to energy and economic integration with in Central and South Asia. The Special Economic Zone (SEZs) in the Pakistani port of Gwadar and Kashgar in China with the views of rail and road linking between projected Special Economic Zone SEZs would develop countless economic, strategic and political potential for the region (25). Russia also interested in the project and will provide them access to the warm waters (27).

Pakistan's Ambassador to China Masood Khalid stated: "The territory of Pakistan is like a corridor which links China with Arabian Sea and Pakistan can play the role of a bridge between China and the world" (28). CPEC will be renovated to be a bridge that would also link Pakistan to Central Asia through a 1300-Kilometer-long Optic Fiber Project (29). President Xi of China during his address to Foreign Affairs Committee at Communist Party meeting in 2014 said that we will give priority to our

neighbors in our diplomacy on all fronts. While, other part of policy is to build a relations with developing countries having abundance of natural resources, including energy rich countries. It will help China to be branded as the development partner and non- interfering ally in the comity of nations (30). China have got Gwadar port on lease for forty years and started working to develop it. Gwadar port will be able to competition to the Persian Gulf and other ports in the region (29). The goals to build this corridor surfaced over a decade and a half ago and because of the instability of the region and international involvements, the CPEC is not being funded either through the Silk Road Fund or the AIIB (31). China Pakistan economic corridor is containing on three layers' early harvest, medium term, and long term projects. Frist two are on working positions, and long term project will complete till 2030 (32).

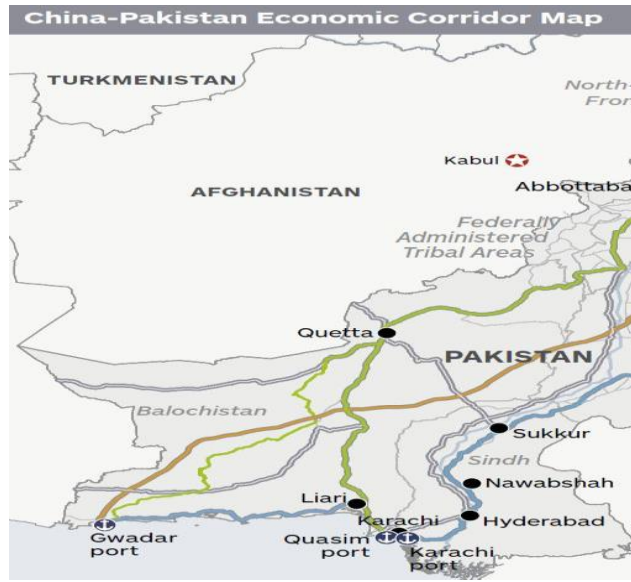


Figure3: China Pakistan Economic Corridor Map (73)

CPEC have consisted on three routes Western, Central, and Eastern It will enter KPK from the Khunjerab pass and Gilgit-Baltistan. First “Western” route will enter Baluchistan through Dera Ismail Khan to Zhob, Quetta, Oila Saifullah, Punjgur, Kalat, Turbet and Gwadar. Second “Central” route enters from Dera Ismail Khan to Dera Ghazi Khan and to Dera Murad Jamali, Punjgur, Khuzdar, Turbet to Gwadar. Third route “Eastern” enters the Punjab province from KPK to Lahore, Multan, Sukkur, from traditional highway to enter Baluchistan, via

Khuzdar, Punjgur, Turbet and Gwadar.

Another route goes to Sukkur to Karachi through coastal highway to Gwadar (33).

The main critic of different part of CPEC.

The Chief Minister of KPK, Pervaiz Khattak,

‘I am not at all against any route and all routes will bring prosperity to Pakistan’ (34).

### **BELT AND ROAD INITIATIVE (BRI) AND LEGAL COOPERATION**

The belt and road initiative is creating and increasing the opportunities for the trade and investment in the BRI countries have attached with this mega project. According to the Statistics from the Ministry of Commerce 2016; the total import and export volume between the sixty five participating countries and China have reached till 6.3 billion Yuan or \$940 million, while in those countries the Chinese investment was \$14.5 billion. Wang Junfeng chairman of the All China Lawyers Association said, "Legal services are very important for the protection of Belt and Road projects, and a proper legal



system is essential for forging forward with projects such as transnational investment and building strategic maritime channels". Fifty six economic and trade cooperation zones have established by Chinese businesses in more than 20 participating countries, with the total value of more than \$18.5 billion. It also created 180,000 new jobs and tax revenue amount \$1.1 billion. As the other sectors are cooperating with each other's for making more and more beneficial this Belt and Road initiative, as well as the law sectors of these countries also have needed to cooperate with each other's to overcome the cross-border legal issues and legal problems faced by the foreigner enterprises in their countries. There are different laws and legal rules about foreign trade and investment in the Belt and Road countries which may create problems for the foreign investors and enterprisers. So that the law cooperation among the Belt

and Road countries having a great necessity of the time (35).

According to the article, Zhang Yan 23<sup>rd</sup> June 2017 in China daily, he described in the article that the "legal professionals from China and the countries which have attached with this Belt and Road initiative, have jointly released an investment related laws guidebook. The purpose of this handbook is to prevent, help and solution of rising commercial disputes. It is said by a senior official of All China Lawyers Association (ACLA), the major law firms from the countries of Belt and Road will work jointly for the compilation of practical guidebook which will reduce the investment related risk when the enterprises make their investment in these countries (36).

Jiang Junlu, told to China Daily (deputy director of the associations of international business committee) that, "A proper



legal system and sound legal services are essential to ensure the smooth progress of Belt and Road projects, such as transnational investment and building strategic maritime channels". Jiang also said that the guidebook would be consisting at two volumes, which covers the following fields related to the investment such as trade, intellectual property dispute resolutions, labor and environmental conservation. Jiang said that, "With the help of this guidebook the businessmen, Chinese officials and experts will be able to fully understand the laws and the legal systems related to Belt and Road countries. When the Chinese enterprises would want to expend their business in Belt and Road countries, this guidebook will also give a legal support to them". He said the first guidebook was published by Russia, Philippines and Myanmar at early this month which is related to the investment laws,

covers the 43 countries. The second guide book includes more countries has published at the end of last year. And in the some Belt and Road countries, the association will also select the representative officers and the association also has a plan to regularly organize an annual forum. It will include the discussion about Belt and Road project, international trade, infrastructure construction, shipping finance.

The Chinese Ministry of Justice said that "it allocated 1.1 million Yuan for compiling and releasing the guidebooks. The lists of the top-tier local law firms and lawyers of the Belt and Road countries, it will be help out the investors who wants to seek professional services whenever they face cross-border legal problems". The better legal services will help out the Chinese investors to increase their business in the Belt and Road countries but according to



the ACLA, many of Chinese investments have failed due to a lack of knowledge about foreign laws and cultural differences. It was also said that the number of disputes regarding this are rising sharply in a result. According to the statistics identification from the Ministry of Commerce, the overseas investment by Chinese investor increasing 53% ranking third in the world per year, in first eight months of the year, was valued before \$118.06 billion. More than 18500 Chinese enterprises established 29700 companies to outside the China and having \$3 trillion its total asset valued. The secretary general of ACLA, Yong said that, China has been increasing its trade and business relations with countries on the ancient Silk Road as part of the Belt and Road Initiative, which consist of Silk Road Economic Belt and the 21st Century Maritime Silk Road.

The statement by the ACLA's deputy director for the international business committee, Jiang Junlu said that they have established a database of lawyers which consisted of 92 Chinese proficient lawyers who are able to handle the cross border law suits. He said that the first law book will be published related 46 BRI countries in March and 2<sup>nd</sup> will include 19 countries will be published before the end of next year. First of all the Chinese lawyers will help out the Chinese enterprisers with the law forms of the 46 countries of BRI (37).

The general secretary of the association, He Yong was said in his earlier interview "association had established a database of eighty six Chinese lawyers and 121 foreigner lawyers from key Belt and Road law firms who would use the platform to understand the law and practice have better experiences and share

information to better serve the initiative". Xiong Xuanguo said that, "since from 2013, China's trade volume with participating countries is continuously increased but legal services related to it have "lagged far behind the practical needs requires for social and economic development" (38).

Pakistan and China has needed homogeneous commercial codes and legal cooperation mechanism to make a stronger infrastructure development of China Pakistan Economic Corridor. Ashtar Ausaf Attorney General of Pakistan gave following suggested in the meeting with Chinese delegation led by Chinese ambassador Sun Weidong, Liu Zhenyu (Voice –Minster Development of Justice China and four others in his office in Islamabad at July 6, 2017.

- "There should be mutual legal exchange mechanism in order to comprehend legal regimes of the both of countries in future".

- "Uniform commercial code to address possible issues of tariff, taxation and carriage of goods by roads, saying such areas need to be discussed in the quarters concerned of both the states in order to address possible loopholes".
- "He also proposed that for resolving any possible legal conflict between the two states, a bilateral arbitration will provide a mechanism to avoid from looking at international forum for dispute resolution".
- "Participation in mutual law exchange programme, Beijing should open legal centers in all the four provincial headquarters of Pakistan".
- " The AGP proposed bilateral exchange of lawyers programme from both the countries to comprehend legal regime while offering to host legal fraternity members" conference in Pakistan for five lawyers from each bar association of Pakistan and China".



Chairman of the Laos Bar Association Khamsay Soulinthone said, "The idea of the Belt and Road Initiative put forward by China is very creative and considered revolutionary. Although lawyers in different countries face different challenges, they all work for global equality and justice. It's the right time to set up a regional lawyers' cooperation organization". "He also said, we have differences in laws, culture and environment, I believe our lawyers will join with their Chinese counterparts to unite consensus and create values together" (39).

July (2018) foreign minister Wang Yi said in the Forum on the Belt and Road Legal Cooperation in Beijing, that the improvement of the rules of law and legal cooperation among the BRI countries, the Chinese government will provide the funding. He also said that ministry also working at agreements and treaties database which will be accessible for general public and law firms of the belt and road countries.

Director-General of the Department of Treaty and Law, Mr. Xu Hong entitled to cooperation strengthen in judicial affairs and law enforcement. "We should speed up negotiating treaties on judicial assistance in civil, commercial and criminal matters as well as treaties on extradition," Xu said on the forum. A research fellow at the Chinese Academy of International Trade and Economic Cooperation (CAITEC) Mr. Bai Ming, told to Global Times that "It's urgent for Belt and Road countries to sign judicial treaties or law agreements to fill the legal vacuum and reduce legal clashes among different countries," Bai also said that to deal with international disputes related to BRI, China invite BRI Countries for the establishment of an international arbitration (40).

## CONCLUSION

Belt and Road Initiative (BRI) projects in all the BRI countries are completing in a better way, but it is necessary to make it more secure for every stakeholder and to give the better answer



of the raised questions regarding to the feasibility and implementation of the BRI projects have needed to make a homogeneous commercial codes and legal cooperation mechanism to secure the initiative from the legal disputes before rise. There should be mutual legal exchange mechanism in order to comprehend legal regimes among the BRI countries in future, uniform commercial code to address possible issues of tariff, taxation and carriage of goods by roads, need to make arbitration mechanism to avoid from international forums for dispute resolution and Beijing should open the legal cooperation centers in all the belt and roads countries for participation in the mutual law exchange programs.

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