The Chinese toxic milk scandal raised tremendous global concerns about food safety in China. To repair the tarnished reputation of domestic food production, Chinese authorities focused on compulsory food safety liability insurance. Unfortunately, the introduction of compulsory food safety liability insurance in the Food Safety Law of the PRC has been delayed by the disagreements of Chinese legal scholars. Chinese legal scholars have examined the legitimacy of compulsory food safety liability insurance in China mainly from the standpoint of domestic laws. The valuable insight of international laws has been ignored by them. This article attempts to fill this research gap by scrutinizing the Chinese endeavor of launching compulsory food safety liability insurance through the joint perspective of public and private international law. It further demonstrates that the ideology of human rights of public international law has already penetrated into the body of broadly-interpreted private international law.

Keywords
Compulsory Food Safety Liability Insurance, China, Public International Law, Broadly-Interpreted Private International Law
I. Introduction

Due to rapid globalization, food logistics have already expanded beyond territorial boundaries. Food safety is thus not only a matter of domestic concern, but also one of ever increasing international concern for public health. It is no wonder that the food safety issues are regulated under international law covering both the public and private domains.

In 2008, the Chinese toxic milk scandal shocked the entire international community. It raised tremendous global concern about food safety in China. There was serious public fury over the rampant food adulteration in China. Since this notorious milk incident, Chinese authorities have swiftly taken a series of actions to enhance the safety of domestic food production. Among these newly-implemented food safety measures, the most salient legal reform was to abolish the Food Hygiene Law, replacing it with the Food Safety Law of the PRC (“FSL”) on June 1, 2009.

The enactment of the FSL did not mark the pinnacle of the determination of Chinese authorities to strengthen the regulation of food safety. Four years later, the Legislative Affairs Office of the PRC State Council publicized a draft version of the amended FSL to collect public opinions from October 29, 2013 to November 29, 2013. This round of amendments was intended to further refine the FSL and reinforce its critical role in guaranteeing food quality and safety in China. Of the proposed amendments, the concept of “compulsory food safety liability insurance” (“CFSLI”) has aroused the most vigorous discussion among Chinese legal professionals.

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1 E.g., after the 2008 Chinese melamine milk scandal, many countries banned Chinese dairy food products and the World Health Organization ranked the incident as one of the most serious food safety events handled by it in recent years. See WHO, Emergencies preparedness, response: Questions and Answers on melamine, available at http://www.who.int/csr/media/faq/QAmelamine/en (last visited on Oct. 4, 2016).

2 Id.

