

Here are five key points from the video:

1. **Shift from Absolute to Restrictive Theory of Immunity**: Traditionally, countries were immune from being sued in foreign courts under the absolute theory of foreign sovereign immunity. However, most countries have shifted to the restrictive theory, where countries can be sued for non-governmental acts, particularly in commercial activities.
2. **China's Adoption of FSAL**: China, traditionally adhering to the absolute theory, adopted the Foreign State Immunity Law (FSAL) on September 1, 2023, which will take effect on January 1, 2024. This law allows foreign countries to be sued in Chinese courts for commercial activities, thus leveling the playing field for Chinese parties against foreign governments.
3. **Alignment with International Law**: China's FSAL is intended to align its foreign state immunity practices more closely with customary international law and the UN Convention on jurisdictional immunities of states. By adopting the restrictive theory, China is reducing the immunity previously granted to foreign states, aligning with global norms.
4. **Key Provisions of the FSAL**: The FSAL includes several exceptions to immunity, such as commercial activities, territorial torts, and waivers. A significant aspect is the reciprocity clause, where China can respond in kind if foreign states provide less immunity to China in their legal systems.
5. **Implications for International Relations and Foreign Debt**: The FSAL could potentially impact foreign countries that have borrowed from Chinese banks, facilitating claims for breach of contract in Chinese courts. It reflects China's broader strategy of promoting foreign-related rule of law, while also bringing its legal framework more in line with international standards in various areas, such as personal jurisdiction and extraterritoriality.