



ECLS 2013

New Approaches and New Questions in Chinese Law

18 September:

17:30: Welcome Reception, Jesus College, Turl Street

19 September:

08:45: Registration and coffee

Common Room, Manor Road Building

09:00: Welcome

- Hatla Thelle, ECLS
- Timothy Endicott, Dean, Faculty of Law (TBC)
- Rogier Creemers, CSLS

09:30-11:00: Stakeholder Roundtable: Building Knowledge Bridges between Academia, Policy and the Profession

- Richard Pascoe, Director, Great-Britain China Centre
- Hui Zheng, Allen & Overy
- Xue Haibin, Zhonglun Law Firm
- Ewan Smith, British Embassy Beijing
- John Farnell, EU-Asia Centre
- Bernard Dewit, Chair, Belgian-Chinese Economic Chamber of Commerce
- Stephanie Mitchell, European Commission, DG Enterprise and Industry
- Discussant: Aalt Willem Heringa, Co-dean, China-EU School of Law

11:00-11:15: Coffee break

Common Room, Manor Road Building

11:15-13:15: Method in Chinese legal research (Chair: Bjorn Ahl)

This Conference is kindly sponsored by Oxford University, Faculty of Law, St. Hugh's College, the China-EU School of Law and Edward Elgar Publishing. The organizers are also grateful for the support of the Law Society.

- Empirical Analysis of Chinese Criminal Judgments: Learning from Henan
 - *Benjamin Liebman, Columbia Law School*
- Studying Dragons: How to Improve Empirical Research on China's Legal System
 - *John Wagner Givens, University of Louisville*
- Research on criminal law in China reconsidered: The limits of self-defense
 - *Daniel Sprick, University of Cologne*
- Fragmentization Trends of China Law Studies under the Complex of Enlightening
 - *Tang Yan, Chongqing University of Technology*
 - *Wang Lieqi, Southwes University of Political Science and Law*

13:15-14:00: Lunch

14:00-16:30: Theoretical perspectives (Chair: Rogier Creemers)

- Law, China's Development "Model" and its Implications
 - *Jacques DeLisle, University of Pennsylvania*
- Law and Stability in the PR China – An Analysis of the Debate on the Reform of the Re-education Through Labour System
 - *Katja Levy, Free University of Berlin*
- On the legal value orientation of social management innovation in China, based on the empirical analysis of "Yichang Model"
 - *Wang Xigen, Wuhan University*
- What Can the Chinese Tax System Tell Us About the Rule of Law in China?
 - *Bernard Schneider, Queen Mary, University of London*
- Competition and Compromise Between the Rule of Law and Social Harmony under China's Criminal Procedure Law of 2012
 - *Xing Lijuan, City University of Hong Kong*

16.30-16.45: Coffee Break

16:45-18:45: Parallel sessions

Seminar Room A: Law and the Market (Chair: Katrin Blasek)

- Enforcing Corporate Governance in China – Or Why We Should Stop Worrying and Learn to Love the CSRC
 - *Alan Koh, National University of Singapore; Boston University*
 - *Zhou Chun, Peking University*
- A Political Economy Approach to Chinese Competition Law
 - *Wendy Ng, University of Melbourne Law School*

- New Chinese Law on Competition in Internet Information Service Market: Merit, Problem and Outlook
 - *Tang Tao, Utrecht University*
- China's State Capitalism and World Trade Law
 - *Michael Du, Lancaster University*

Lecture Theatre: The national, the international and the trans-national (Chair: Hatla Thelle)

- The Chinese Government and Litigation Overseas
 - *Vivienne Bath, University of Sydney*
- International Dispute Settlement: The Chinese Approach and Practice, and their Implications
 - *Kong Qingjiang, China University of Political Science and Law*
- The Rise of China in International Investment Litigation – Negotiate and you shall litigate!
 - *Julien Chaisse, Chinese University of Hong Kong*
- Political Pluralism and China: A Critical Appraisal on Chinese Legal System from an International Human Rights Law Perspective
 - *Tian Sheng, National University of Singapore*

19.15-20.30: Reception

St. Hugh's College, St. Margaret's Rd

(Walk from conference venue will be organized)

20 September:

8.45-10:45: Parallel sessions

Seminar Room A: Toward A Renewed Approach to Chinese Law: Rethinking Law and Justice Paradigms (I) (Chair: Elisa Nesossi)

- Introduction
 - *Elisa Nesossi, Australian National University*
- Rethinking law and justice paradigms
 - *Flora Sapio, Chinese University of Hong Kong*
- The law/politics nexus in criminal sentencing and judicial reform
 - *Sue Trevaskes, Griffith University*
- Chinese sovereignty: translating, appropriating and challenging western sovereignty
 - *Adele Carrai, Hong Kong University*
- Critical discussion

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- *Joshua Rosenzweig, Chinese University of Hong*

Seminar Room C: Influences and perspectives on legislation and rulemaking (Chair: TBC)

- Sustainability of legal transplants: problems of legal translations in shaping Chinese rules on liability for environmental pollution.
 - *Marina Timoteo, University of Bologna*
- A Sketch of Law with Chinese Characteristics: The Case of Hukou Legislation in Shenzhen
 - *Fu Qiqi, China-EU School of Law*
 - *Paola Pasquali, Birkbeck School of Law, University of London*
- The China Model? – Toward a Developmental State Approach to Comparative Takeover Regulation
 - *Xi Chao, Chinese University of Hong Kong*
- Should China enact a “Good Samaritan Law”?
 - *Fernando Simões, University of Macau*

Seminar Room D: The judicial system in transition (Chair: TBC)

- The Xinfang system: A major threat to an effective judiciary
 - *Vincenzo Palmisano, Hunan University*
- The Chinese State Judicial Exam – Tool for the Transition of the Chinese Judicial System?
 - *Rebecka Zinser, Sino-German Institute of Legal Studies, University of Nanjing*
- Coordinating Criminal Procedural Agreement: Reflections on the Changing Character of State- Citizen Relationship in the Chinese Criminal Justice
 - *Wei Pei, Erasmus University Rotterdam*
- The Repoliticisation of the Chinese National Judicial Exam
 - *Björn Ahl, University of Cologne*

10:45-11:00: Coffee Break

11:00-13:00: Parallel Sessions

Seminar Room A: Toward A Renewed Approach to Chinese Law: Rethinking Law and Justice Paradigms (2) (Chair: Flora Sapio)

- Introduction
 - *Flora Sapio, The Chinese University of Hong Kong*
- Universal theories of human rights and the rule of law in Chinese criminal justice
 - *Joshua Rosenzweig, Chinese University of Hong Kong*

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- Justice and injustice in contemporary China
 - *Elisa Nesossi, Australian National University*
- Rethinking procedural justice
 - *Sarah Biddulph, University of Melbourne Law School*
- Critical discussion
 - *Flora Sapio, The Chinese University of Hong Kong*

Seminar Room C: Mechanisms of implementation (1) (Chair: Knut Pissler)

- Labour Arbitration in China: Before the Courts and in the Labour Arbitration Commissions
 - *Ronald Brown, University of Hawaii*
- Much Cry and Little Wool: Judicial Mediation Policy in Action in a Basic People's Court in China
 - *Xin Xin, City University of Hong Kong*
- Rule of law, dispute resolution theory and Chinese (court and civil) mediation
 - *Li Silfverberg, University of Stockholm*

Seminar Room D: Legal History (Chair: Ernest Caldwell)

- The Limits of Judicial Reform in Late-Fifteenth Century China
 - *Roger Greatrex, Lund University*
- ILO and Labour Protection in China: 1919-1949
 - *Chen Yifeng, Helsinki University*
- The Myth, Truth and Ambivalence of the Taking Clause in Chinese Constitution
 - *Peng Chun, University of Oxford*
- A Historical Analysis of the Crime of Inciting Subversion of State Power in Relation to the Right to Freedom of Expression in Chinese Constitution and International Human Rights Law
 - *Hermann Aubié, University of Turku*

13:00-14:00: Lunch (Manor Road Building, Common Room)

14:00-16:00: Parallel Sessions

Seminar Room A: Mechanisms of implementation (2) (Chair: Mimi Zou)

- Innovative Measures to Improve Environmental Law Enforcement
 - *Zhao Yuhong, Chinese University of Hong Kong*
- Overcoming the Obstacles to the Enforcement of ICSID Arbitral Awards in China

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- *Li Fenghua, University of Glasgow*
- Special Tribunals in China – Are We Doomed to Repeat History?
 - *Wei Shuai, City University of Hong Kong*
- Enforcement Without Foundation? - Insider Trading and China's Administrative Law Crisis
 - *Nicholas Howson, University of Michigan*

Seminar Room C: Legal consciousness (Chair: Stéphanie Balme)

- CSI: Beijing? – The Presentation of China's Legal System in Popular Media
 - *Joseph Hart, Dean's Court Chambers*
- Open Environmental Information Administrative Litigation in China: the paradox of legal mobilization
 - *Wang Xinhong, University of Turku*
- 'It's not true but I believe it'. Haunted houses controversies in China
 - *Simona Novaretti, University of Bologna*
- Defying the Rules, Embracing the Court: "Paternalistic Enchantment" in Rural China
 - *Feng Yuqing, City University of Hong Kong*
 - *Cao Qing, City University of Hong Kong*

Seminar Room D: China's Guiding Cases System: Evolution, Impact, and Prospects (Chair: Mei Gechlik)

- The Evolution of China's Guiding Cases System
 - *Wang Lifeng, Human Rights Teaching and Research Centre, Central Party School*
- Impact of China's Guiding Cases System on Adjudication and Judges' Training
 - *Liang Jianchao, No. 2. People's Court, Dongguan Municipality, Guangdong Province*
- Impact of China's Guiding Cases System on Legal Practice
 - *Yuan Changchun, Broad and Light LLP*
 - *Dai Di, China Guiding Cases Project (CGCP), Hajia Law Firm*
- Impact on China's Guiding Cases System on Legal Education
 - *Oma Lee, CGCP*
 - *Christine Qingyu Liu, CGCP*
 - *Dimitri Phillips, CGCP*
 - *Chuchu Wei, CGCP*
- Prospects of China's Guiding Cases System
 - *Huang Huiyang, Gaoxiong District Court, Taiwan*
 - *Mei Gechlik, CGCP*

16:00-16:30: Closure session (Lecture Theatre, Faculty of Law)

16:30-18:00 General Assembly ECLS (Lecture Theatre, Faculty of Law)

18:00: Informal drinks

Registration is free of charge, but mandatory as places are limited. Please register using the following e-mail address: ecls2013oxford@gmail.com

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