



**7th Annual Conference of
The European China Law Studies
Association (ECLS)**



**“Rule of Law with Chinese Characteristics: Asian, European,
and Global Perspectives”**

24-25 September 2012

Pörssitalo, Fabianinkatu 14, 00010 Helsinki

Organizers: Faculty of Law, University of Helsinki

Finnish Center of Chinese Law and Chinese Legal Culture

Partners: Graduate School Law in a Changing World (OMM)

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Conference Programme

MONDAY, 24th

8.30 – 9.00 Registration and coffee

9.00 – 9.30 Opening of the Seminar

- *Heikki Mannila*, Professor, President of Academy of Finland
- *Hatla Thelle*, Chair, European China Law Studies Association (ECLS); Senior Researcher, Danish Institute of Human Rights
- *Pekka Hallberg*, Former President of the Supreme Administrative Court, Finland
- *Kimmo Nuotio*, Professor of Criminal Law, Dean, University of Helsinki Faculty of Law

9.30 – 12.00 Keynote Speeches

- *Teemu Ruskola*, Professor of Law, Emory Law School/Finnish Center of Chinese Law and Chinese Legal Culture: "Legal Orientalism: A Global Genealogy of Chinese Law."
- *Julia Ya Qin*, Professor of Law, Wayne State University Law School: "China and International Rule of Law: A Decade of WTO Membership."
- *Mo Jihong*, Professor, Assistant Director, Institute of Law, Chinese Academy of Social Sciences: "The Role of China's Constitutional Law in Preserving Rule of Law"

12.00 – 13.00 Lunch

13.00 – 15.30 Session I

Panel 1: Rule of Law with Chinese Characteristics – Theoretical Accounts

- Chair: Ditlev Tamm, Professor of Law, Copenhagen University
- *Juha Karhu*, Professor, University of Lapland: "Modern Chinese Legal Culture in a European Perspective."
- *Ignazio Castellucci*, Professor, University of Trento, University of Macau: "Rule of Law with Chinese Characteristics: Variable Geometries."
- *Katrin Blasek*, Professor, SRH University Heidelberg: "Rule of Law with Chinese Characteristics: What Does It Mean in P.R. China in 2012?"
- *Rebecka Zinser*, Lecturer, Deputy Director, Sino-German Law Institute, Nanjing University: "Law with Chinese Characteristics: Legal Tradition or Legal Policy?"

Panel 2: China's Labour Law

- Chair: Ulla Liukkunen, Professor, University of Helsinki Faculty of Law
- *Mimi Zou*, Junior Dean, DPhil in Law Candidate, St John's College, University of Oxford: "The Evolution of Labour Law with "Chinese Characteristics"? Crossing the River by Feeling the Stones?"
- *Kate Elizabeth Kinahan*, Nanjing University: "Labor Disputes and Transformative Mediation in China: The Way Forward."
- *Marja Paavilainen*, LL.D. Candidate, University of Helsinki: "Implementation of Employment Discrimination Law in China – Preliminary Observations."
- *Giovanni Pisacane*, Senior Partner, GWA - Greatway Advisory Shanghai: "Employment Termination by Employer in China."

Panel 3: Environmental Law

- Chair: Song Ying, Professor, Peking University Law School
- *Xinhong Wang*, PhD Candidate, University of Turku: "Bringing an Administrative Litigation to Redress Failures of Access to Environmental Information in China: Problems and Progress."
- *Anu Lähteenmäki-Uutela*, Post-doctoral Researcher, University of Turku: "The (Non-Existent) Animal Welfare Law in China."
- *Miao He*, PhD Candidate, Ghent University: "Harmony Between Protected Areas and Human Beings Through a Rights-Based Approach in China."
- *Marie Aude Balland*, Lawyer, DS Avocats: "Soil Pollution in China."
- *Nengye Liu*, PhD Candidate, Ghent University: "Implementing International Law on the Prevention of Vessel-Source Pollution in China, an Assessment."

15.30 – 15.50 Coffee break

15.50 – 17.50 Session II

Panel 1: Rule of Law from Below

- Chair: Pia Letto-Vanamo, Professor and Vice-Dean of Faculty of Law, University of Helsinki
- *Yan Zhao*, PhD Candidate, City University of Hong Kong: "Chinese Migrant Families Contest for Equal Access to Education in Capital Cities."
- *Karla Simon & Leon Irish*, Professors, Catholic University of America; founders of the International Center for Civil Society Law: "Resourcing the Sector: Finding Ways to Make CSOs in China Sustainable."
- *Simona Novaretti*, Research Fellow, Università degli Studi di Torino: "Law with Chinese Characteristics and Civil Society: Is the Enactment of the 'Amendment

of Civil Procedure Law (Draft) a Real Step Forward in the Development of Public Interest Litigation in China?”

Panel 2: Intellectual Property Rights

- Chair: Niklas Brunn, Professor, University of Helsinki, Director for the IPR University Center
- *Emilio Ramos*, PhD Candidate, School of Oriental and African Studies, University of London: “Conflicting Conceptions of the Rule of Law: How China Moves Toward Innovation. Freedom, Free-riding and Informal Discretion Practices.”
- *Kong Qingjiang*, Professor, Vice-Dean, School of International Law, China University of Political Science and Law: “A Rising Tide Lifts All Boats? China's Attitude towards TRIPs-Plus Obligations-- Evidenced by Its Free Trade Agreements in the Post-WTO.”
- *Katja Weckström (Lindroos)*, University Lecturer in Commercial Law, Department of Law, Åbo Akademi University: “A Comparative View of the Chinese Trademark System on the Books and Chinese Trademark Law in Action.”
- *Yajie Zhao*, Ph.D Candidate, University of Helsinki: “Time Limit of Foreign Related IP Trial in China.”

Panel 3: Administration and Social Governance

- Chair: Andrew Le Sueur, Professor of Public Law, Queen Mary, University of London
- *Rogier Creemers*, Post-doctoral Researcher, University of Oxford: “Historical and Philosophical Issues in Chinese Communications Governance: Towards an Idea of Neoliberal Leninism with Chinese Characteristics.”
- *Perry Keller*, Lecturer, Dickson Poon School of Law, King's College London: “The Case of the Missing Public Officials: Defamation and the Public Figure Defence in China.”
- *Chun Peng*, PhD Candidate, University of Oxford: “The Origin of Land Taking Powers in Modern China--Conceptualization and Contestation.”

18.15 – 20.00 Rector's Reception, University of Helsinki

To be hosted by the Rector Thomas Wilhelmsson

University Main Building, Teacher's Lounge, Unioninkatu 34

TUESDAY, 25th

9.00 – 10.45 Session III

Panel 1: *Rule of Law with Chinese Characteristics – Cultural Aspects*

- Chair: Olli Mäenpää, Professor, University of Helsinki Faculty of Law
- *Samuli Seppänen*, SJD Candidate, Harvard Law School: “ ‘The Three Supremes’ and Other Useful Paradoxes – Explicating China’s Conservative Socialist Legal Thought”
- *Agnes Schick-Chen*, Associate Professor, University of Vienna: “Defining Chinese Characteristics: Towards a New Theory of Legal Culture.”
- *Chen Yifeng*, Post-doctoral Researcher, University of Helsinki: “Adjudicatory Justice and Xinfang System: Dualism of Justice?”

Panel 2: *Corporate Governance (I)*

- Chair: Jukka Mähönen, Professor, Dean of the Faculty of Law, University of Turku
- Chuanman You, Ph.D Candidate, University College Dublin, “Understanding Hostile Takeovers Regulations: A Path Dependent Approach”
- *Wei Wang*, Aalto University, School of Economics: “Merger Remedies in China: Comparison with the EU Approach.”
- *Kristie Thomas*, Lecturer, Post-doctoral Researcher, University of Nottingham: “The Product Liability Regime in China: Converging with International Standards?”

Panel 3: *Between Administrative Penalty and Criminality*

- Chair: Kimmo Nuotio, Professor, Dean of the Faculty of Law, University of Helsinki
- *Zexian Chen*, Professor, Director of the Institute of International Law, Chinese Academy of Social Sciences: “Reform of the System of Re-education Through Labor: Perspective of Rule of Law.”
- *Wei Pei*, PhD Candidate, Erasmus Law School of Erasmus University: “Criminal Procedural Agreement in the Context of the Contemporary Criminal Justice System in China.”
- *Hermann Aubié*, PhD Candidate, University of Rennes 2: “A Critical Examination of Article 105 from a Historical Perspective.”

10.45 – 11.00 Coffee break

11.00 – 12.30 Session IV

Panel 1: *China and International Rule of Law*

- Chair: Jarna Petman, University Lecturer, University of Helsinki Faculty of Law
- *Matthieu Burnay*, Researcher, Leuven Centre for Global Governance Studies: “China in the UN Security Council: What Implications for the International Rule of Law?”
- *Wim Muller*, Researcher, European University Institute: “Moving Beyond Sovereignty: China's Changing Role in the relation to International Rule of Law.”
- *Antonella Forganni*, Post-doctoral Researcher, Beijing Normal University, Bocconi University: “The Role of China in Developing International Law.”

Panel 2: *Corporate Governance (II)*

- Chair: Otto Malmgren, Norwegian Ministry of Foreign Affairs/ Board member, European China Law Studies Association (ECLS)
- *Maura Dykstra*, PhD Candidate, University of California: “The Practice, Rhetoric and Law of Going Broke: Firm Bankruptcy and Insolvency Disputes in Chongqing from the Eighteenth Century to the 1911 Republican Revolution.”
- *Yiyang Yang*, PhD Candidate, Chair of International Economic Law, Albert-Ludwigs-University of Freiburg: “A Basic Research on the Legal Relationship between Banks and Enterprises in China.”
- *Qingxiu Bu*, Lecturer in Law, Queen's University: “Will Chinese legal Culture Constrains its Corporate Governance-Related Laws?”

Panel 3: *Criminal Justice in China: Recent Development*

- Chair: Raimo Lahti, Professor, University of Helsinki Faculty of Law
- *Qihong Xiong*, Professor, Institute of Law of Chinese Academy of Social Sciences: “The Amendment to China's Criminal Procedure Law from the Perspective of Human Right.”
- *Lei Cheng*, Associate Professor, Law School of Renmin University of China: “Balancing Human Rights and Police's Investigation Power: From the Perspectives of China's New Criminal Procedure Law.”
- *Sakari Melander*, Associate Professor, University of Helsinki: “Criminal Justice Policy in Finland and China - Comparative Remarks.”

12.30 – 13.30 Lunch

13.30 – 15.30 Session V

Panel 1: *International Human Rights in China*

- Chair: Hatla Thelle, Chair of the ECLS; Senior Researcher, Danish Institute of Human Rights
- *Rhona Smith*, Professor, Northumbria University: “China’s Contribution to Human Rights Through Universal Periodic Review.”
- *Miia Halme-Tuomisaari*, Post-Doctorate Researcher, The Erik Castrén Institute of International Law and Human Rights, University of Helsinki: “Contested Representation: Exploring China’s ambiguous position in the international human rights framework”
- *Michael Davis*, Professor, University of Hong Kong: “China’s National Minority Autonomy Policies in International Legal Perspective: The Case of Tibet.”
- *Shengnan Qiu*, Post-doctoral Researcher, University of Essex: “The Implementation of the International Human Right to Health in the Chinese Context.”

Panel 2: *China’s Contract Law and Property*

- Chair: Juha Karhu, Professor, University of Lapland
- *Mary Szto*, Professor, Hamline University School of Law: “There’s a Contract in My Soup: Chinese Contract Formation and Ritual Eating and Drinking.”
- *Yanan Zhang*, Post-doctoral Researcher, University of Eastern Finland: “How to Develop Relational Capability in Relational Contracting?”
- *Nicolas Nord*, Professor, Université de Strasbourg: “The Law Applicable to International Contracts: the Situation in China.”
- *Caterina Mugelli*, PhD Candidate, University of Florence: “Rule of Law to Fill Legislative Gaps: Considerations in the Field of Property Law.”

15.30 – 15.45 Coffee break

15.45 – 17.15 Session VI

Panel 1: *China’s International Economic Law*

- Chair: Lena Sisula-Tulokas, Professor, University of Helsinki Faculty of Law
- *Julien Chaisse*, Associate Professor, Chinese University of Hong Kong): “Investment International Litigation with China - Towards a New Era in Sino-Foreign Investment Arbitration?”
- *Huang Zhixiong*, Professor of Law, Wuhan University: “Toward Rule of Law for China’s Internet Censorship? The Role of WTO Law”

- *Shiv Nand*, University of Sheffield: “The Formation of China-ASEAN Trade Bloc, the Development of a FTA and the Future Prospects of China in Years to Come.”

Panel 2: Rule of Law by Judiciary: Courts, Judges and Lawyers

- Chair: Stephanie Balme, Professor, Science Po.
- *Xiaohong Yu*, Lectuer, Tsinghua University: “Rule of Law under (Fragmented) Authoritarianism: Explaining the Expansion of Judicial Power in China.”
- *Björn Ahl*, Associate Professor, University of Cologne: “Chinese Court Buildings and the Rule of Law.”
- *Richard Wagner*, Lawyer, Baker & McKenzie LLP: “Guiding the Law: Reflections on Imperial Magistrate Handbooks and SPC Judicial Commentaries.”

17.15 – 19.00 General Assembly of the European China Law Studies Association

19.30 – 21.00 Mayor’s Reception, the Municipality of Helsinki
City Hall, Pohjoisesplanadi 11-13