ECLS 2013
New Approaches and New Questions in Chinese Law

18 September:

17:30: Welcome Reception, Jesus College, Turl Street
(Speakers and session chairs)

19 September:

08:45: Registration and coffee
Common Room, Manor Road Building

09:00: Welcome (Lecture Theatre)
• Hatla Thelle, ECLS
• Timothy Endicott, Dean, Faculty of Law
• Rogier Creemers, CSLS

09:30-10:30: Stakeholder Roundtable: Building Knowledge Bridges between Academia, Policy and the Profession (Lecture Theatre)
• Richard Pascoe, Director, Great-Britain China Centre
• Stephanie Mitchell, European Commission, DG Enterprise and Industry
• Hui Zheng, Allen & Overy
• Xue Haibin, Zhonglun Law Firm

10:30-10:45: Coffee break (Common Room)
Common Room, Manor Road Building

10:45-12:30: Methods in Chinese legal research (Lecture Theatre, Chair: Bjorn Ahl)
• Empirical Analysis of Chinese Criminal Judgments: Learning from Henan
  • Benjamin Liebman, Columbia Law School

This Conference is kindly sponsored by Oxford University, Faculty of Law, St. Hugh’s College, the China-EU School of Law, Springer Verlag and Edward Elgar Publishing. The organizers are also grateful for the support of the Law Society.
• Studying Dragons: How to Improve Empirical Research on China’s Legal System
  o John Wagner Givens, University of Louisville

• Research on criminal law in China reconsidered: The limits of self-defense
  o Daniel Sprick, University of Cologne

• Fragmentization Trends of China Law Studies under the Complex of Enlightening
  o Tang Yan, Chongqing University of Technology
  o Wang Lieqi, Southwest University of Political Science and Law

12:30-13:30: Lunch

13:30-16:00: Theoretical perspectives (Lecture Theatre, Chair: Rogier Creemers)
• Law, China’s Development “Model” and its Implications
  o 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
  o 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”
  o Wang Xigen, Wuhan University

• What Can the Chinese Tax System Tell Us About the Rule of Law in China?
  o 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
  o Xing Lijuan, City University of Hong Kong

• Constitutionalism Stranded in China? – A Critical Review of the Current Debate of Constitutionalism
  o Zhu Guobin, City University of Hong Kong

16.00-16.15: Coffee Break

16:15-18:00: 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
  o Alan Koh, National University of Singapore; Boston University

This Conference is kindly sponsored by Oxford University, Faculty of Law, St. Hugh’s College, the China-EU School of Law, Springer Verlag and Edward Elgar Publishing. The organizers are also grateful for the support of the Law Society.
• A Political Economy Approach to Chinese Competition Law  
  o Wendy Ng, University of Melbourne Law School

• New Chinese Law on Competition in Internet Information Service Market: Merit, Problem and Outlook  
  o Tang Tao, Utrecht University

• China’s State Capitalism and World Trade Law  
  o Michael Du, Lancaster University

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

• The Chinese Government and Litigation Overseas  
  o Vivienne Bath, University of Sydney

• International Dispute Settlement: The Chinese Approach and Practice, and their Implications  
  o Kong Qingjiang, China University of Political Science and Law

• The Rise of China in International Investment Litigation – Negotiate and you shall litigate!  
  o 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  
  o Tian Sheng, National University of Singapore

18.30-20.30: 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 (1) (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

- Yuan (冤) and rights: conceptions of (in)justice in contemporary Chinese complaints practices
  - Eva Pils, Chinese University of Hong Kong

Seminar Room C: The judicial system in transition (Chair: Nick Barber)

- 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

This Conference is kindly sponsored by Oxford University, Faculty of Law, St. Hugh’s College, the China-EU School of Law, Springer Verlag and Edward Elgar Publishing. The organizers are also grateful for the support of the Law Society.
Seminar Room D: China’s Guiding Cases System: Evolution, Impact, and Prospects (Chair: Mei Gechlik, China Guiding Cases Project, Stanford University)

- Huang Huifang, Kaohsiung District Court, Taiwan
- Oma Lee, CGCP; Chinese University of Hong Kong
- Liang Jianchao, Dongguan Municipality No. 2 People’s Court, Guangdong Province
- Dimitri Phillips, CGCP, Stanford Law School
- Jeremy Schlosser, CGCP; Dorsey & Whitney LLP
- Yin Shaobin, No. 1 Civil Division, Dongguan Municipality No. 2 People’s Court, Guangdong Province

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

- Public Opinion and Chinese Criminal Justice Reform
  - Joshua Rosenzweig, Chinese University of Hong Kong

- 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  
  - 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: Influences and perspectives on legislation and rulemaking (Chair: Paolo Farah)**

- 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

*This Conference is kindly sponsored by Oxford University, Faculty of Law, St. Hugh’s College, the China-EU School of Law, Springer Verlag and Edward Elgar Publishing. The organizers are also grateful for the support of the Law Society.*
- Xi Chao, Chinese University of Hong Kong

- Should China enact a “Good Samaritan Law”?
  - Fernando Simões, University of Macau

**Seminar Room D: Legal consciousness (Chair: Stéphanie Balme)**

- 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 Torino

- 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

16:00-16:30: Closure session and Student Award Presentation (Lecture Theatre, Faculty of Law)

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

18:00: Informal drinks (Suggested pub: King’s Arms, Holywell Street/Parks Road)