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)

NordForsk

China-EU School of Law

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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
  - Håtla 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
  - 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.”
- 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.”
- Miao He, PhD Candidate, Ghent University: “Harmony Between Protected Areas and Human Beings Through a Rights-Based Approach 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
- 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”
- Chen Yifeng, Post-doctoral Researcher, University of Helsinki: “Adjudicatory Justice and Xinfang System: Dualism of Justice?”

Panel 2: Corporate Governance (I)

- Chair: Jukka Mähonen, 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.”

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
- 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.”
- Yiying 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
- Qiu Hong 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.”
- Michael Davis, Professor, University of Hong Kong: “China’s National Minority Autonomy Policies in International Legal Perspective: The Case of Tibet.”

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?”
- 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.
- Björn Ahl, Associate Professor, University of Cologne: “Chinese Court Buildings and the Rule of Law.”

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