Europe-China Law Studies Association 2015 Conference

University of Cologne — 25–27 September 2015

Friday, 25 September 2015

15.00–16.30 h — ECLS General Assembly Meeting

Institute of East Asian Studies, Room 3.07
Dürener Straße 56–60, 50931 Cologne

The meeting is for ECLS members only, membership application forms will be available for those who would like to join the ECLS

Please register your participation in the members’ area

18.00–22.00 h — Reception at Rautenstrauch-Joest-Museum

Rautenstrauch-Joest-Museum
Cäcilienstraße 29–33, 50667 Cologne

Please register your participation in the members’ area

Saturday, 26 September 2015

08.30–09.00 h — Registration

University of Cologne Main Building, Lecture Hall (Hörsaal) II
Albertus-Magnus-Platz, 50931 Cologne

09.00–09.30 h — Welcome Remarks

University of Cologne Main Building, Lecture Hall (Hörsaal) II
Albertus-Magnus-Platz, 50931 Cologne

Moderator: Dr Vivienne Xiangwei Guo, University of Cologne

• Prof Stephan Schröder, Associate Dean of the Arts and Humanities Faculty, University of Cologne
• Dr Knut Benjamin Pissler, President, European China Law Studies Association (ECLS)
• Prof Uwe Blaurock, President, German-Chinese Jurists’ Association (DCJV)
• Prof Björn Ahl, Convenor of the 10th Annual ECLS Conference

09.30–10.30 h — Keynote Speeches
Moderator: Dr Vivienne Xiangwei Guo, University of Cologne

- **Double Whammy: Lay Assessors as Flunkeys in Chinese Courts**
  Prof He Xin, City University of Hong Kong
- **Law in China – Snapshot 2015**
  Dr Sabine Stricker-Kellerer, Senior China Counsel, Freshfields Bruckhaus Deringer

10.30-10.45 h — Coffee Break

10.45-12.15 h — Parallel Sessions

University of Cologne Seminar Building
Universitätsstraße 37, 50931 Cologne

Session 1: **Current Issues of the Implementation of Human Rights in China**
Panel Chair: Prof Lin Feng, City University of Hong Kong

- **Judicial Enforcement of International Human Rights through Weak Courts in China**
  Wang Shucheng, City University of Hong Kong
- **The Integration and Coordination within the UN Human Rights System and Its Challenges to China**
  Sun Meng, China University of Political Science and Law
- **Business, Sustainable Development and Human Rights in China**
  Jernej Letnar Černič, Graduate School of Government and European Studies

Session 2: **New Developments in Chinese Corporate Law and Securities Law**
Panel Chair: Prof Katrin Blasek, Wildau University of Applied Sciences

- **Informality Matters: Enforcement of Securities Laws in China**
  Xi Chao, Chinese University of Hong Kong
- **From the Reform of Capital Subscription to the Codification of Chinese Corporate Law**
  Dong Yiliang, Kion Group AG
- **New Developments in the Chinese Securitisation Market**
  Tan Fugui, Hogan Lovells International LLP

Panel Chair: Prof He Xin, City University of Hong Kong

- **The Ideological Grammar of Chinese Law**
  Rogier Creemers, University of Oxford
- **The Narrative Building Blocks for the 4th Plenum: Developing Party Vocabulary on Rule of Law**
  Ewan Smith, University of Oxford, Renmin University
- **Political Discourse in the People’s War on Terror**
  Susan Trevaskes, Griffith University

12.15-13.30 h — Lunch Break
13.30-15.00 h — Parallel Sessions

University of Cologne Seminar Building
Universitätsstraße 37, 50931 Cologne

Session 4: Chinese Courts and Recent Judicial Reforms
Panel Chair: Prof Stéphanie Balme, Sciences Po

- Assessing China’s Court Reforms after One Year
  Susan Finder, Hong Kong University
- Judicial Autonomy and the Communist Party of China: The Roles of Political Legal Committee in the Decision-making of the Courts
  Yue Liu, University of British Columbia
- Study on the Legislationalization of Judicial Interpretations (“Sifa Jieshi”)
  Yang Guodong, Hamburg University
- The Status of Guiding Cases Under the Judicial Reform
  Li Weiwei, Shenzhen University

Session 5: Current Developments in Chinese Labour Law
Panel Chair: Dr Andreas Lauffs

- Chinese Workers with Benefits
  Ronald Brown, University of Hawaii at Manoa
- Labour in Defiance: The Emergence of Autonomous Collective Bargaining in China
  Zhang Yihong, University of Helsinki
- Transformation and Functional Evolution of the Sectoral Collective Bargaining in the PRC
  Valentina Bellomo, Ca’ Foscari University of Venice

Panel Chair: Dr Elisa Nesossi, Australian National University

- On the Historical Origins and Current Application of the Concept of the People's Democratic Dictatorship and the Mass Line
  Gao Shan, Pennsylvania State University
- The Ideological Structures of Chinese Constitutionalism: Reading the General Program of the Chinese Communist Party Constitution
  Larry Catá Backer, Pennsylvania State University
- “Seeking Truth from Facts” in Party Discipline Legislation
  Flora Sapio, Australian National University

15.00-15.30 h — Coffee Break

15.30-17.30 h — Parallel Sessions

University of Cologne Seminar Building
Universitätsstraße 37, 50931 Cologne

Session 7: Central and Local Law-making in China
Panel Chair: Prof Caroline von Gall, University of Cologne
Session 8: Chinese Investment Law and New Developments in Bilateral Investment Treaties with China
Panel Chair: Prof Li Yuwen, University of Rotterdam

- Legal Reforms to Foreign Investment and International Investment Agreements
  Vivienne Bath, University of Sydney
- China’s New Bilateralism and Legal Competitive Externalities
  David Hallinan, University College Dublin
- China-EU Investment-Treaty – Preserving the Status Quo or Moving Forward?
  Hinrich Julius, Hamburg University
- Economic Exigencies and the Potential Proliferation of Investor-State Arbitration: When are Government Measures Tantamount to Expropriation?
  Claire Wilson, Hong Kong Shue Yan University
- Chinese Academic Discourse on International Dispute Resolution and Sovereignty in Economic and Territorial Disputes – Practice and Prospects of the PRC at the WTO DSM, ICSID, ITLOS and ICJ
  Thomas Stephan Eder, University of Vienna

Session 9: New Perspectives on the Nature of Chinese Law
Panel Chair: Dr Rogier Creemers, University of Oxford

- The Flexibility of Chinese Law – Trick or Treat?
  Lutz-Christian Wolff, Chinese University of Hong Kong
- Law vs. Law Enforcement: The Case of Chengguan in China
  Philipp Hirschfeld
- Understanding the Conflict between China’s Constitutions
  Jean Christopher Mittelstaedt, Sciences Po

18.00-20.00 h — Guided City Tour

Meeting Point: University of Cologne Seminar Building
Universitätsstraße 37, 50931 Cologne

Please register your participation in the members’ area

Sunday, 27 September 2015
09.00-10.30 h — Parallel Sessions

University of Cologne Seminar Building
Universitätsstraße 37, 50931 Cologne

Session 10: Legal Transfers as a Driving Factor of the Development of the Chinese Civil Code, Investment and Tax Law
Panel Chair: Prof Georg Gesk, Osnabrück University

- Foreign Trade and Investment Law in China: Legal Transfer and Development in an Evolving Legal System
  Zhao Lijun, Middlesex University
- A Civil Code for XXI Century China: Comparative Law Perspectives
  Marina Timoteo, University of Bologna
- Legal Transfers and the Development of the Chinese Tax System
  Bernard Schneider, Queen Mary University of London

Session 11: New Legal Perspectives on the Relation of the State and the Market
Panel Chair: Prof Lutz-Christian Wolff, Chinese University of Hong Kong

- Trademark Co-existence without Confusion in China? Recent Trademark Cases from the Zhejiang Courts
  Roger Greatrex, Lund University
- State as an Entrepreneur: A Study of the Investment Contractual Terms and Level of Control of China’s Sovereign Wealth Fund in its Portfolio Firms
  Li Jing, Tilburg University
- State Intervention, Planned Innovation: Law-Driven Developments in Chinese Hedge Funds
  Christopher Hsu, Goethe University Frankfurt

Session 12: The Semiotics of Chinese Communist Party “Law” and State Law — Part II
Panel Chair: Dr Flora Sapio, Australian National University

- Virtue, Law and the Perfectionist State: An Analysis of “Fazhi” with Xi’s Characteristics
  Elisa Nesossi, Australian National University
- The 2008 Anti-Monopoly Law
  Beth Farmer, Pennsylvania State University
- Reexamining Hong Kong’s Political Tensions under the Theoretical Foundation of Chinese Socialist System
  Wang Keren, Pennsylvania State University

10.30-11.00 h — Coffee Break

11.00-13.00 h — Parallel Sessions

University of Cologne Seminar Building
Universitätsstraße 37, 50931 Cologne

Session 13: Images of Law: Legal Professions and Activism in Chinese Film
Panel Chair: Prof Felix Wemheuer, University of Cologne
• Executing Justice: A Gender Perspective on Inspector Wu Hongyan in “Night Train” by Diao Yinan (2007)
  Astrid Lipinsky, University of Vienna
• Mundane Police Work in Chinese Documentary Film: The Works of Zhao Liang and Zhou Hao
  Marina Svensson, Lund University
• Disobedient Images: Human Rights Lawyers’ Visual Advocacy and the Formation of Civic Rights Consciousness in China
  Eva Pils, King’s College London
• Picturing the Judiciary: (Re-)constructing the Person of the Judge in Chinese Film
  Agnes Schick-Chen, University of Vienna
• Comparing Judicial Cultures
  Stéphanie Balme, Sciences Po

Session 14: Investigating Legal Change in Divorce Law, Contract Law and Privacy Protection
Panel Chair: Prof Marina Timoteo, University of Bologna

  • 百年(不)好合! One Hundred Years of Marital (Un)happiness! An Analysis of Divorce Proceedings Involving Domestic Violence in China
    Sara D’Attoma, Ca’ Foscari University Venice
  • Good Faith in Chinese Civil Law
    Matti Tjäder, University of Lapland
  • Personal Information Protection without a Public Right to Privacy: Revisiting the Recent Development of Chinese Law-making regarding Data Privacy and Surveillance
    Chen Yongxi, University of Hong Kong
  • Online Privacy Protection in China: Present and Future
    Zhao Yun, Hong Kong University

Session 15: Tradition and Reform of Chinese Law
Panel Chair: Prof Roger Greatrex, University of Lund

  • Theorising the Dynamics of Socio-legal Change in Early China
    Ernest Caldwell, SOAS University of London
  • Western Universalism versus Cultural Relativism during the Process of Chinese Legal Transformation: The Example of Family Law as a “Hard Core” of Legal Culture
    Luo Gang, University of Paris 1 Pantheon-Sorbonne
  • Present at the Creation: Tracing the Origin of Terms Contained in the Macau Basic Law
    Jason Buhi, Beijing University, University of Hong Kong
  • Seeing Tradition in Modernity: Yang Honglie’s Historiography of China’s Legal System
    Britta Büermann, University of Göttingen
  • Chinese Culture and Perceptions of Rule of Law: A Comparison between Hong Kong and Taiwan
    Lee Karen, Hong Kong Institute of Education

13.00-14.00 h — Lunch Break
14.00-15.30 h — Parallel Sessions
Session 16: New Developments in Chinese Criminal Law and Criminal Procedure Law  
Panel Chair: Prof Thomas Weigend, University of Cologne

- The Challenges of Implementation of Criminal Procedure Law  
  Yue Liling, China University of Political Science and Law
- Legal and Political Rights Advocacy in Wrongful Conviction Cases: A Study of the  
  Leping Case of Injustice  
  Jiang Jue, Chinese University of Hong Kong
- Accumulation of Criminal Actions as Risk Factor for Doing Business in China  
  Georg Gesk, Osnabrück University

Session 17: Administrative Litigation and Environmental Protection Law  
Panel Chair: Dr Chen Yongxi, University of Hong Kong

- The Reform of the Reform – Tendencies in China’s Administrative Law  
  Nina Rotermund, University of Göttingen
- Towards the Blue Skies: The Revision of China’s Air Quality Prevention Act (AQPA)  
  and Actual Changes that are Brought Upon  
  Roni Blankett, Sami Laiso, Jaakko Rastas, University of Lapland
- State’s Obligation to Conduct Transboundary Environmental Impact Assessment in  
  Preventing Nuclear Damage: An Overview of China’s Practice  
  Ha Lisi, Wuhan University
- The Making of the Chinese Nationality Law  
  Jasper Habicht, University of Cologne

Session 18: New Perspectives on the Interaction between Chinese Law and International Law  
Panel Chair: Prof Peter-Tobias Stoll, University of Göttingen

- International and Domestic Law in China: A Sociolegal Perspective  
  Wim Muller, University of Manchester
- Interaction Between International Standards and Domestic Constitutional Norms – A  
  Case Study of the Chief Executive Election in Hong Kong  
  Lin Feng, City University Hong Kong
- The Issue of China’s Market Economy Status after 2016  
  Kong Qingjiang, China University of Political Science and Law
- The Impact of International Investment Law on China’s New Foreign Investment Law  
  Draft: A Focus on National Treatment Standard  
  Li Yuwen, University of Rotterdam

15.30-16.00 h — Coffee Break

16.00-17.30 h — Parallel Sessions
Session 19: **Current Issues in Chinese Dispute Resolution**
Panel Chair: Dr Knut Benjamin Pissler, *Max Planck Institute for Comparative and International Private Law*

- **The Analysis of the Factors Driving Public Interest Litigation in China**  
  Jiang Junxin, *University of Turku*

- **Competing over the Law: The Legal Consciousness of Petitioners in Chinese Courts**  
  Feng Yuqing, *Southeast University*

- **Judicial “Mediation” in China – Recent Developments and Future Trends**  

- **Why the Western ADR Theory Cannot Justify the Chinese Courts’ Role in Court-annexed Mediation – An Empirical Examination**  
  Li Yedan, *University of Amsterdam*

Session 20: **Socio-Economic Transformation and Chinese Law**
Panel Chair: Prof Ronald Brown, *University of Hawaii at Manoa*

- **Theorising “Elder Law” in China: Towards a Relational Account**  
  Mimi Zou, *Chinese University of Hong Kong*

- **The Elderly in Guardianship: A People-Centred Proposal**  
  Rebecca Lee, *University of Hong Kong*

- **The Study of Support System of Policy and Law related to Embedded Social Structure and Social Community in Xinjiang**  
  Zhang Zhaoxia, Northwest University for Nationalities, *Sichuan University*

- **“Collect Gold in Times of Trouble, Collect Jade in Good Times”: Private Market, Public Engagement and the Protection of Cultural Property in the People’s Republic of China**  
  Simona Novaretti, *University of Turin*

**17.30–17.45 h — Closing Remarks**

University of Cologne Main Building, *Lecture Hall (Hörsaal) II*
Albertus-Magnus-Platz, 50931 Cologne

- **Prof Björn Ahl, Convenor of the 10th Annual ECLS Conference**