# ASIAN LAW INSTITUTE (ASLI) INAUGURAL CONFERENCE

**27 & 28 MAY 2004**

**Prince George’s Park Residences, National University of Singapore**

**SINGAPORE**

## 27 May 2004, Thursday

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<th>Time</th>
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<tr>
<td>9.00am</td>
<td>Welcome Address by Dean Tan Cheng Han Faculty of Law, National University of Singapore</td>
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<td>9.10am</td>
<td>Speech by Dean Tithiphan Chuerboonchai Faculty of Law, Chulalongkorn University &amp; Chairman, ASLI Board of Governors</td>
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<td>Parallel Session 3</td>
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<td>4.30pm</td>
<td>Parallel Session 4</td>
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<tr>
<td>6.00pm</td>
<td>Tour of CJ Koh Law Library at the Faculty of Law, NUS</td>
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## 28 May 2004, Friday

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<tr>
<td>8.30pm</td>
<td>Dinner at Singapore Academy of Law, City Hall Building*</td>
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* Only for participants who have registered for these optional programmes
† At your choice, chartered buses can disembark passengers at Buona Vista MRT Station and along Orchard Road en route to the RELC Hotel
Panel A1. The Role and Rule of Law in a Developing Asia: Theory and Practice
Chairperson: A. Kumaraalingam, National University of Singapore

- **The Myth of Rule of Law**
  Abdur Razzaque, University of Western Sydney

- **The Law and Development Movement: In Search of an Asian Theory**
  Tureen Afroz, Monash University

- **The Asian Way and the Role of Law in Asian Economic Development**
  Paul J Davidson, Carleton University

Panel A2. International, Regional and Domestic Law: The Interplay of Systems of Law
Chairperson: V. Vijayakumar, National Law School of India University

- **Implementing International and Regional Law into Domestic Legal Systems in Asia: Failures of the Australian Approach**
  Afshin Khavari, Griffith University

- **The Role of International Law in a Developing Asia**
  Surya Subedi, Middlesex University

- **Regionalism and Legalization: Recent Trends and Future Possibilities in East Asia**
  Simon Tay, National University of Singapore

- **Is There a Western and an Asian Rule of Law?**
  Dieter Umbach, Potsdam University

Chairperson: Raul Pangalangan, University of the Philippines

- **Is Legal Tradition Sacred to be Immutable? Conversion to Islam under Malaysian Family Law from the Viewpoint of the Civil Court**
  Naoko Kuwahara, University of London

- **Multi-Court Systems in Malaysia: Problems And Challenges**
  Farid Sufian Shuaib, International Islamic University of Malaysia

- **Shariah Court Judges and Judicial Creativity (Ijtihad) in Malaysia and Thailand: A Comparative Study**
  Ramizah Wan Muhammad, International Islamic University of Malaysia

- **Zero and Sum - The Role of Law in Society and Buddhist-Christian Perspectives**
  Alf Hellmuth Masing, M J N Bt. (Budapest)

- **Developing Legal Identities: A Look at Singapore’s Legal Historiography**
  Jothi Saunthararajah, National University of Singapore

- **Tang Dynasty Law and the Development of Tang Society**
  Wang Limin, East China University of Politics and Law
Panel B1. Constitutional Law and Reform in Asia I
Chairperson: Roda Mushkat, Hong Kong University

- The Role of Public Law in a Developing Asia
  Kevin Tan, National University of Singapore
- Kelsen's Concept of Constitutional Review Accord in Europe and Asia: The Grand Judges in Taiwan
  Thilo Tetzlaff, University College London
- Developing into What? Constitutional Change, Legitimacy and Economic Development
  Jolyon Ford, Australian National University

Panel B2. Constitutional Law and Reform in Asia II - Case Studies
Chairperson: Kevin Tan, National University of Singapore

- The Political Economy of Constitutional Conflict in Hong Kong
  Roda Mushkat, Hong Kong University
- The Political System in Timor Leste: Trends, Limitations and Prospects of Law in Asia’s Newest Democracy
  Peter Dudy, Amani Research & Consulting Institute
- The Evolution of Malaysian Constitutional Tradition
  Abdul Aziz Bari, International Islamic University of Malaysia
- The Function Of Judicial Review And Economic Policy In The Philippines
  Rudyard Avila, University of the Philippines

Panel B3. Human Rights and Access to Justice in Asia
Chairperson: Thio Li-ann, National University of Singapore

- The Role of Law in a Developing Asia: A Constructive Engagement with the International Human Rights System?
  Vitit Muntharbhorn, Chulalongkorn University
- The Sangam of Foreign Investment, Multinational Corporations and Human Rights in Asia: Some Reflections
  Surya Deva, University of Sydney
- Graft and Corruption
  Victoria Avena, University of the Philippines
- The Role of the National Human Rights Commission of India in Protecting the Rights of Refugees and the Displaced
  V. Vijayakumar, National Law School of India University

Panel B4. Human Rights in Asia: The Rights of Women
Chairperson: Lim Chin Leng, National University of Singapore

- An Analysis of the Potential of CEDAW to Further the Rights of Women in the Asia Pacific and Australia
  Christine Foster & Vedna Jivan, University of New South Wales
- Feminist Jurisprudence in Korea: Battles for the Gender Equality in its Own Context
  Hyunah Yang, Seoul National University
- Towards Gender Equity in a Developing Asia: Reforming Personal Laws
  Dinusha Panditaratne, City University of Hong Kong
- Women's Access to Criminal Justice: A Legislative Overview in India
  Varanasi Hemalatha Devi & Bondu Reddy, Sri Venkateswara University
- Press Freedom as the Ultimate Ground to Avenge the Wild Ranging Media for Victims of Sex Scandals?
  Anne Cheung, Hong Kong University
Panel C1. Free Trade, the WTO and Economic Integration in Asia
Chairperson: Tithiphan Chuerboonchai, Chulalongkorn University

- GATS and its Impact on Legal Services in Malaysia
  Rozlinda Fadzil, Universiti Kebangsaan Malaysia
- Will ASEAN Economic Integration Progress Beyond a Free Trade Area? A Singapore Perspective
  Tan Lay Hong, Nanyang Technological University
- The Legal Framework of Economic Integration in Asia
  Zhang Zhiyong, Peking University
- Developing a Legal Framework for Greater Economic Integration of East and South East Asia
  Lo Changfa, National Taiwan University

Panel C2. Foundations of Commercial Law in Asia
Chairperson: Lo Changfa, National Taiwan University

- Are There Asian Perspectives to Unification of Private International Law Rules and Judicial Cooperation in Civil Matters?
  Tan Yock Lin, National University of Singapore
- The Role of Unconscionability in Determining Pre-Contractual Fairness
  Bibi Sangha, Flinders University
- Contract Frustration and the Civil Law in Asia: Understanding Changed Circumstances and Financings
  David Keith Linnan, University of South Carolina
- Economic Law Reform in Thailand
  Tithiphan Chuerboonchai, Chulalongkorn University

Panel C3. Corporate and Financial Law in Asia
Chairperson: Yeo Tiong Min, National University of Singapore

- Harmonization of Insolvency Law in Asia
  Aishah Bidin, Universiti Kebangsaan Malaysia
- Cross-Border Corporate Insolvency: Problems and Alternative Solutions
  Samsar Kamar Latif, International Islamic University of Malaysia
- International Corporate Law in the Context of Asia: A Perspective from Japan
  Souichiro Kuzuka, Sophia University
- Challenges with Implementing Western Standards of Corporate Governance in Asia
  Demetra Arsalidou & Margaret Wang, Monash University
- Locational Considerations in Attracting Multinational Corporate Regional Headquarters: The Relevance and Role of Tax Law and Tax Incentives
  Justin Dabner, James Cook University

Panels D1/D2. Asia in the Era of Rapid Technological Change
Chairperson: Yee Fen Lim, Macquarie University

- Facilitating Paperless International Trade: A Survey of Law and Policy in Asia
  Emmanuel Laryea, Monash University
- Legal Issues for the Use of Free and Open Source Software in Government
  Brian Fitzgerald, Queensland University of Technology
- A Comparative Analysis of PKI Regimes in Asian Jurisdictions
  Yee Fen Lim, Macquarie University
- The Indian Information and Technology Act 2000: A Review of the Act’s Regulatory Powers
  Richard Peter Jones, Liverpool John Moores University & Subhajit Basu, Queen's University
Panel D3. Technology and Intellectual Property in Asia
Chairperson: Burton Ong, National University of Singapore

- Patenting of Human Genetic Information - TRIPS, Biotechnology and Patentable Subject Matter
  Luigi Palombi, University of New South Wales
- Trade Mark Law: Is Europe Moving Towards an Unduly Wide Approach?
  Paul Leocarl Torremans, University of Nottingham
- Trademark Infringement: Test of the Average Person
  Swati Deva

Panel D4. Competition Law and Consumer Protection in Emerging Asia
Chairperson: Ian McEwin, National University of Singapore

- Indonesia’s Experience with its Antimonopoly Law and Challenges Ahead
  Ningrum Sirait, University of North Sumatra
- The Development of Consumer Law in Malaysia with Special Emphasis on Defective Product Provisions under the Consumer Protection Act 1999
  Rahmah Ismail & Sakina Shaik Ahmad Yusoff, Universiti Kebangsaan Malaysia
- Designing Competition Institutions in Transitional Economies
  Kenneth Davidson, United States Federal Trade Commission
- Competition Law in Thailand: Seeds of Success or Fated to Fail?
  Mark Williams, Hong Kong Polytechnic University

Panel E1. Environmental Protection, Transboundary Harm and Heritage Protection
Chairperson: Nik Ahmad Kamal Nik Mahmod, International Islamic University of Malaysia

- Rising Population and Degrading Environment - An Indian Legal Study
  Usha Tandon, University of Delhi
- Transboundary Environmental Problems and the International Law Commission’s Work on Transboundary Hazardous Activities
  Padma Sabaya, Kakatiya University
- Forest Fires And Haze In Southeast Asia: Prospects For Compliance with the 2002 ASEAN Agreement On Transboundary Haze
  Alan Tan, National University of Singapore
- Implementation of the World Heritage Convention in the Asian Region
  Bernhard Willem Boer, University of Sydney

Panel E2. Natural Resources and Indigenous Peoples
Chairperson: Victor Ramraj, National University of Singapore

- Depending On Fences: A Study on the Law Relating to the Indigenous Peoples of Malaysia in the Context of Art. 8(j) of the Biodiversity Convention
  Azmi Sharom, University of Malaya
- Protection of Traditional Knowledge: Ideas and Regulation
  Chamundeeswari K uppumary, University of Sheffield
- Towards Good Water Governance in Malaysia: Establishing An Enabling Legal Environment
  Sharifah Ziba Hayatudin Syed Abdul Kader, International Islamic University of Malaysia
- Interlinking The Rivers of the Indian Subcontinent: Law & Development Under Neo-liberalism
  Radha Souza, University of Waikato
- Asian Traditions and the Management of Shared Natural Resources: Ancient Practices Informing Future Regional Cooperation
  Eyal Benvenisti, Tel Aviv University
Panel E3. Dispute Resolution in Asia  
Chairperson: Kyong Whan Anh, Seoul National University

- Investment Disputes Settlement by Focusing on HCSID Arbitration
  Okuma Kazutake, Seinan Gakuin University

- Building an International Arbitration Infrastructure in Asia: Diversified Approaches in a Competitive Environment
  Jan K. Schaefer, Shearman & Sterling LLP

- Dispute Settlement Mechanism in ASEAN: The Way Forward
  Rahmat Mohamad, Universiti Teknologi MARA Malaysia

- Towards Easier and Cheaper Access to Justice: A Comparative View of Some of the Initiatives Taken in India and China
  Syed Khalid Rashid, International Islamic University of Malaysia

Panels F1/F2. Criminal Law and Justice in Asia  
Chairperson: Michael Hor, National University of Singapore

- The Role of Islamic Law in Crime Prevention Process in Society: A Comparative Approach
  Mohd. Akram Shair Mohamed & Abdul Rahman Awang - International Islamic University of Malaysia

- Situating Automatism in the Penal Code of Malaysia and Singapore
  Stanley Yeo, Southern Cross University / National University of Singapore

Panel F3. Labour Law in Asia  
Chairperson: Shin-ichi Ago, Kyushu University

- Status of Social Law in Asia - A Preliminary Survey in Conjunction with an ILO-Sponsored Project to Strengthen the Labour Law Scholarship
  Shin-ichi Ago, Kyushu University

- Industrial Relations Law in Developing Asia - Towards a Synergistic Relationship
  Jashpal Kaur Bhatt, Universiti Teknologi Mara Malaysia

- Between Employment and Flexibility: The Developments of Japanese Labour Legislation in 2003
  Hiroya Nakakubo, Kyushu University

- Industrial Disputes Resolutions in Malaysia: The Interference of the Mainstream Judicial System
  Nik Ahmad Kamal Nik Mahmod, International Islamic University of Malaysia

- North-South Divide and International Dialogue on Core Labour Standards from the Perspectives of China and Other Asian Developing Countries
  Haijing Cao, Shanghai University

- The Working of the Industrial Court of Malaysia: Issues of Procedure and Delay
  Kamal Halili Hassan, Universiti Kebangsaan Malaysia

Panel G1. The Role and Rule of Law in Indonesia I  
Chairperson: Hikmahanto Juwana, Universitas Indonesia

- Building Modern Economic Law Capacity in Indonesian Law Schools
  Clifford Fritz Thompson, University of Wisconsin

- Legal Culture, Institutional Design Choices and the Struggle to Implement an Effective Anti-Money Laundering Regime in Indonesia
  Jonathan Andrew Eddy, Seattle University

- Combating Corruption in Indonesia: An Impossible Mandate?
  Harkristuti Harkrisnowo, Universitas Indonesia

- Syariah Reform in Aceh: New Born or Stillborn? New Islamic Qa’nun and Codes in Indonesia
  Tim Charles Lindsey, University of Melbourne
**Panel G2. The Role and Rule of Law in Indonesia II**
Chairperson: Tim Charles Lindsey, University of Melbourne

- **Indonesia's Law Reform: Reforming the Bankruptcy Law Under the IMF?**
  Hikmahanto Juwana, Universitas Indonesia
- **The KKPU as a New Kind of Player in Indonesia's Legal System**
  John Davis
- **The Importance of Developing Private Law - Restructuring Debts in Indonesia Without a Developed Civil Law Doctrine of Novation**
  Gary F. Bell, National University of Singapore
- **Globalization of Economy and Law Reform - A Study of the Prohibition of the Poenale Sanctie In East Sumatra**
  Tengku Keizerina Devi, University of North Sumatra

**Panel H1. China and Taiwan in the 21st Century**
Chairpersons: Zhu Suli, Peking University & Li Meiqin, National University of Singapore

- **Law and the Question of Taiwan's Status**
  Jacques de Lisle, University of Pennsylvania
- **Taxing the Income of Private Enterprise in China**
  Nolan Cormac Robert Sharkey, University of New South Wales
- **The Role of Dual Protection in the Chinese Youth Judicial System**
  Zheng Lie, East China University of Politics and Law

**Panel H2. China's Development in the Era of Market Reform**
Chairperson: Jacques de Lisle, University of Pennsylvania

- **From Socialism to Pluralism: The Role of Law in Securities Market Reform in China**
  Matthew Kingcheong Au, University of British Columbia
- **WTO Compliance and The Development of Rule of Law in China**
  Wang Jiangyu, National University of Singapore
- **Fair Play For Me? - Farmers In West China Under WTO-AOA Framework**
  Jasmin Zeng Hang, International Development Research Centre / University of British Columbia
- **The Reception of Trust in Asia: Emerging Asian Principles of Trust?**
  Lusina Ho, Hong Kong University