

**ASIAN LAW INSTITUTE (ASLI) INAUGURAL CONFERENCE  
27 & 28 MAY 2004**

**Prince George's Park Residences, National University of Singapore  
SINGAPORE**

| <b>27 May 2004, Thursday</b> |  |                                 |                                    |                                    |                                    |
|------------------------------|--|---------------------------------|------------------------------------|------------------------------------|------------------------------------|
| <b>Time</b>                  | <b>Programme</b>   | <b>Session Venue Auditorium</b> | <b>Session Venue Function Rm 1</b> | <b>Session Venue Function Rm 2</b> | <b>Session Venue Function Rm 4</b> |
| 8.00am                       | Bus Pick-up at RELC International Hotel  |                                 |                                    |                                    |                                    |
| 8.30am                       | Registration   |                                 |                                    |                                    |                                    |
| 9.00am                       | Welcome Address by Dean Tan Cheng Han<br>Faculty of Law, National University of Singapore                              |                                 |                                    |                                    |                                    |
| 9.10am                       | Speech by Dean Tithiphan Chuerboonchai<br>Faculty of Law, Chulalongkorn University & Chairman, ASLI Board of Governors |                                 |                                    |                                    |                                    |
| 9.30am                       | Parallel Session 1   | <b>A1</b>                       | <b>B1</b>                          | <b>C1</b>                          | <b>D1/D2</b>                       |
| 11.00am                      | Coffee Break   |                                 |                                    |                                    |                                    |
| 11.30am                      | Parallel Session 2   | <b>A2</b>                       | <b>B2</b>                          | <b>C2</b>                          | <b>D3</b>                          |
| 1.00pm                       | Lunch  |                                 |                                    |                                    |                                    |
| 2.30pm                       | Parallel Session 3   | <b>A3</b>                       | <b>B3</b>                          | <b>C3</b>                          |                                    |
| 4.00pm                       | Coffee Break   |                                 |                                    |                                    |                                    |
| 4.30pm                       | Parallel Session 4   | <b>B4</b>                       |                                    | <b>D4</b>                          |                                    |
| 6.00pm                       | Tour of CJ Koh Law Library at the Faculty of Law, NUS  |                                 |                                    |                                    |                                    |
| 7.00pm                       | Cocktail Reception   |                                 |                                    |                                    |                                    |
| 7.30pm                       | Opening Dinner at The Ballroom, Guild House, NUS   |                                 |                                    |                                    |                                    |
| 10.00                        | Return to Hotel <sup>+</sup>   |                                 |                                    |                                    |                                    |

| <b>28 May 2004, Friday</b> |   |                                 |                                    |                                    |                                    |
|----------------------------|---|---------------------------------|------------------------------------|------------------------------------|------------------------------------|
| <b>Time</b>                | <b>Programme</b>  | <b>Session Venue Auditorium</b> | <b>Session Venue Function Rm 1</b> | <b>Session Venue Function Rm 2</b> | <b>Session Venue Function Rm 4</b> |
| 8.30am                     | Bus Pick-up at RELC International Hotel                 |                                 |                                    |                                    |                                    |
| 9.00am                     | Parallel Session 1                                      | <b>E1</b>                       | <b>F1/F2</b>                       | <b>G1</b>                          | <b>H1</b>                          |
| 10.30am                    | Coffee Break  |                                 |                                    |                                    |                                    |
| 11.00am                    | Parallel Session 2                                      | <b>E2</b>                       |                                    | <b>G2</b>                          | <b>H2</b>                          |
| 12.30pm                    | Lunch   |                                 |                                    |                                    |                                    |
| 1.30pm                     | Parallel Session 3                                      | <b>E3</b>                       |                                    | <b>F3</b>                          |                                    |
| 3.00pm                     | Coffee Break  |                                 |                                    |                                    |                                    |
| 3.30pm                     | Plenary & Closing Address                               |                                 |                                    |                                    |                                    |
| 4.30pm                     | Return to Hotel <sup>+</sup>                            |                                 |                                    |                                    |                                    |
| 6.30pm                     | Bus Pick-up at RELC International Hotel                 |                                 |                                    |                                    |                                    |
| 7.00pm                     | Asian Civilisations Museum Tour*                        |                                 |                                    |                                    |                                    |
| 8.30pm                     | Dinner at Singapore Academy of Law, City Hall Building* |                                 |                                    |                                    |                                    |
| 10.00pm                    | Return to Hotel   |                                 |                                    |                                    |                                    |

\* 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

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**Panel A1. The Role and Rule of Law in a Developing Asia: Theory and Practice**

Chairperson: A. Kumaralingam, 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*

**Panel A3. On *Asian-ness*: Traditions, Identity and the Impact on Asia and Asians**

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, MJN Bt. (Budapest)*
- **Developing Legal Identities: A Look at Singapore's Legal Historiography**  
*Jothi Sauntharajah, 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 Mahmud, 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 Kuppusamy, University of Sheffield*
- **Towards Good Water Governance in Malaysia: Establishing An Enabling Legal Environment**  
*Sharifah Zubaidah 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 ICSID 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**  
*Jashphal 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 21<sup>st</sup> 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*