



THE 2nd ASLI CONFERENCE

**“The Challenge of Law in Asia:
from Globalization to
Regionalization?”**

26 – 27 May 2005

Chulalongkorn University

Bangkok, Thailand

0 1000 Miles
0 1000 Km

INDIAN

OCEAN

PROGRAMME

Day 1, 26 May 2005, Thursday

	Registration (Pinit Arcade)				
9.00 am	Welcoming Address by Dean Tithiphan Chuerboonchai Faculty of Law, Chulalongkorn University (Plenary Hall, Room 307, Pinit Bldg.)				
9.10 am	Speech by President He Qinhua East China University of Politics and Law & Chairman of the ASLI Board of Governors . (Plenary Hall, Room 307, Pinit Bldg.)				
9.30 am	Keynote Speech by H.E. Dr. Wissanu Kreangam Deputy Prime Minister, The Royal Thai Government (Plenary Hall, Room 307, Pinit Bldg.)				
10.00 am	Coffee Break (Outside Plenary Hall)				
10.30 am	General Briefing by Professor Vitit Muntarbhorn Faculty of Law, Chulalongkorn University & Chairman of the 2 nd ASLI Conference (Plenary Hall, Room 307, Pinit Bldg.)				
10.45 am	"Key Legal Developments in 2004 in Asia" presented by the ASLI Board of Governors (Plenary Hall, Room 307, Pinit Bldg.)				
12.30 pm	Lunch				
2.00 pm	A1 Environmental Protection (Room 604, Thep Bldg.)	A2/1 Human Rights and Social Impact I (Room 402, Thep Bldg.)	B1 Operationalizing WTO System in the Region (Room 605, Thep Bldg.)	C1 International Business Law and Practice (Room 606, Thep Bldg.)	D1 Challenges of International Law I (Room 607, Thep Bldg.)
3.30 pm	Coffee Break (Graduate Lounge, Room 507, Thep Bldg.)				
4.00 pm	F1 Open Forum I (Room 604, Thep Bldg.)	A2/2 Human Rights and Social Impact II (Room 402, Thep Bldg.)	B2 The FTA Effect (Room 605, Thep Bldg.)	C2 Bankruptcy Law and Post 1997 Scenario (Room 606, Thep Bldg.)	D1/1 Challenges of International Law II (Room 607, Thep Bldg.)
5.30 pm	Campus Tour (Meet at Information Desk)				
6.30 pm	Opening Dinner (Rajmontien Room, Montien Hotel)				
10.00 pm	Return to Hotel				

Day 2, 27 May 2005, Friday

9.00 am	F2 Open Forum II (Room 604, Thep Bldg.)	A2/3 Human Rights and Social Impact III (Room 402, Thep Bldg.)	B3 Competition and Consumer Protection (Room 605, Thep Bldg.)	C2/1 Corporate Governance (Room 606, Thep Bldg.)	D2 – A3 Intellectual Property IT/E Commerce And The Law * (Room 607, Thep Bldg.)
10.30 am	Coffee Break (Graduate Lounge, Room 507, Thep Bldg.)				
11.00 am	F3 Open Forum III (Room 604, Thep Bldg.)	A2/4 Human Rights and Social Impact IV (Room 402, Thep Bldg.)		C2/2 – C3 Commercial Law and Building Inter-State Taxation Regime (Room 606, Thep Bldg.)	D3 Overcoming Transnational Crime (Room 607, Thep Bldg.)
12.30 pm	Plenary & Closing Address (Plenary Hall, Room 307, Pinit Bldg.)				
1.30 pm	Lunch				
2.30 pm	Networking Discussion (optional) (Room 402, Thep Bldg.)				
6.00 pm	Optional Dinner Cruise (Meet at Information Desk, Thep Bldg.)				

LIST OF PANELS

A1: Environmental Protection

Chairperson: *Nik Ahmad Kamal Nik Mahmud*

1. Protecting the Protector: Laws Regarding Wetlands in Malaysia
Azmi Sharom & Murugadas T Loganathan
2. Obstacles in Indonesian Environment Law Enforcement
Dhany Rahmawan
3. Environmental Cooperation in East Asia: Comparison with European Region and the Effectiveness of Japan's Policy
Hideaki Shiroyama
4. Orang-Utans Can't Wear Smoke Masks: Indonesia's Legal Response to Forest Fires
Laode M. Syarif
5. China's WTO Accession and Environmental Law Reform
Yuhong Zhao
6. The Role of Charters in The Legislative Protection of Heritage in Australia and Asia
Graeme Wiffen

A2/1: Human Rights and Social Impact I

Chairperson: *Suravudh Kijkusol*

1. Freedom of Expression Constitutes the Main Pillar Of Democracy
Rudy Satriyo & Mukan Fordjo
2. Human Rights and the Implementation of Good Governance in Indonesia
Safri Nugraha
3. Protecting Human Rights in A Written Constitution: The Case of Malaysia's National Human Rights Commission
Abdul Aziz Bari
4. A Right to Democracy in International Law: Its Implications for Asia
Same Varayudej
5. Rights of an Arrested Person to Counsel: Is It Not a Case of Too Little Too Late?
Abdul Rani Bin Kamarudin
6. The Relevancy of Preventive Detention in Malaysia
Abdul Rani Bin Kamarudin
7. Pre-Trial Rights of the Accused: An Approach under Malaysian and Islamic Criminal Justice Systems
Mohammad Akram Abdul Rahman Awang,

A2/2: Human Rights and Social Impact II

Chairperson: *Kamalinne Pinitpuvadol*

1. Women and Judgeship in Malaysia: Rights and Opportunities
Fadilah Abd Rahman
2. Harmonizing Individual Rights with Gender, Religious and Ethnic Interests in India, Pakistan and Bangladesh
Imtiaz Omar
3. Gender Poverty and Globalisation: A Human Rights Perspective
Krishna Kumari
4. Redress for Victims of War Crimes: The Filipino Comfort Women's Continuing Search for Legal Remedies
H. Harry L. Roque, Jr.
5. Women's Situation in Cambodia: Bridging the Gap between Law and Reality?
Nakagawa Kasumi
6. Human Rights of Women: Implications with Reference to the Family Laws in India
T.V. Subba Rao

A2/3: Human Rights and Social Impact III

Chairperson: *Alan Tan Khee Jin*

1. Human Rights Protection in Indonesia: Case Studies of Indonesian Chinese Marriage Registration
Natasya Yunita Sugiastuti
2. Role of the Conciliatory Committee and Hakam (Arbitrator) in Reconciling Family Dispute in Malaysia: An Overview of the Current Practice and Provision of the Islamic Family Law Act, 1984
Nora Abdul Hak
3. Protecting of Children: Towards a Culture of Responsibility instead of Child Pornography and the Internet in Hong Kong
Rebecca Bng Yoke Chan
4. Child's Right to Custody in Case of Conversion of One Parent to Another Religion in Malaysian Law
Najibah Mohd Zin
5. Through Law and More" - Tackling the Demand Factor for Child Sex Tourism and Sexual Trafficking
Vitit Muntarbhorn
6. Restrictions in Freedom of Religion in Malaysia: A Conceptual Analysis with Special Reference to the Law of Apostasy
Mohamed Azam Mohamed Adil
7. The Protection of Traditional Communities' Land Rights in Indonesia : The Mamahak Besar Forest Land Issue
Nurul Elmiyah

A2/4: Human Rights and Social Impact IV

Chairperson: *Shin-Ichi Ago*

1. The Ambiguous Nature of 'Asian Values': Regional or Global Response to the Increasing International Scrutiny of Domestic Human Rights Policies?
Kerstin Steiner
2. Human Rights and Social Impact: Need for Asian Initiative
Dil Muhammad
3. Natural Resources, Human Rights and Social Impacts
(East Kutai District and North Lampung District Case's)
Suparjo Sujadi
4. Globalization and Indonesian Labor Law
Aloysius Uwiyono, Sh, Mh
5. Globalization, Human Rights and Social Impact: Case Study of Tea Plantation Labors in North Sumatra
Tengku Keizeirina Devi Azwar, SH,
6. Doi Moi (Renovation) and the Challenges of Labour Law in Vietnam
Luong Do Dinh
7. New World Order and Third World Labour
Suddhasatta Chakravartti & Iman Roy

B1: Operationalizing WTO System in the Region

Chairperson: *Chang-Fa Lo*

1. Marketing of Legal Services: An Era of Change
Concepcion L Jardeleza
2. The Implementation of International Treaty Obligations in China: A Critical Review
Ling Bing
3. China's Accession to the World Trade Organization (WTO) and What This Means to the World Economy
Margaret Wang
4. Some Dimensions of Development and Law -How We Can Understand Relationship between Law and Development-
Noriyuki Asano & Seibo Jogakuin
5. Transnational Commere in China in The 20th Century - Is China Moving towards the Western Concept of the Rule of Law?
Patricia Blazey
6. The Operation of Eco-Labeling Schemes With Regard to International Trade
Pornsakol Panikabutara
7. China's Exchange Rate Regime in the Context of International Economic Relations and Law
Jiangyu Wang

B2: The FTA Effect

Chairperson: *Sakda Thanitcul*

1. Surmounting Quantitative or Qualitative Definition of the Requirement of “Substantially All the Trade” In the Formation of Regional Agreement
Chang-Fa Lo
2. Standards for Multinational Enterprises: Concerns in Asia
Douglas Sanders
3. Regionalism as against Globalization: Survival of the Fittest
Hemant Batra
4. The FTA Effect
Paul J. Davison

B3: Competition Law and Consumer Protection

Chairperson: *Suchart Thammakitakul*

1. The Shifting Role of State-Owned Enterprises from Monopolist to Competitive Business Actor Interpretation of Article 33 of Indonesia's 1945 Constitution
A.M. Tri Anggraini
2. Antitrust Control of Mergers and Acquisitions (M&As) in Transitional Economies: A Case Study of China
Du Ming & K.X.Li
3. Seeds of Its Own Destruction: Hong Kong's Competition Policy
Mark Williams
4. The Importance of Competition Law in Indonesia's Transition to Market Economy System
Ningrum Natasya Sirait,SH,Mli
5. SMEs and Competition Law: A Case Study on Suppliers of Products to Large Retail Stores
Sakda Thanitcul
6. The Law of Consumer Protection in Asia : Finding a Common Platform
Sakina Shaik Ahmad Yusoff & Rahmah Ismail

C1: International Business Law and Practice

Chairperson: *Albert T. Chandler*

1. A Comparative Analysis on the Enforceability of Letters of Comfort in England and the Asia Pacific Region
Anil Hargovan
2. Harmonisation of Contract Law in Asia – Harmonising Regionally or Adopting Western Harmonisations
Gary F Bell
3. Integrating with Chinese
Li Chengming
4. International Commercial Law and Its Harmonisation
Razeen Sappideen
5. Maritime Procedures under the Japanese Law
Souichirou Kozuka
6. 'Straight' Bills of Lading in International Trade: Principles and Practice in Perspective
Stephen Girvin

C2: Bankruptcy Law and Post 1997 Scenario

Chairperson: *Tan Cheng Han*

1. Corporate Rescue in Malaysia: Post 1997 Insolvency Infrastructures in the Aftermath of the Asian Financial Crisis
Aishah Bidin
2. Foreign and Parallel Proceedings in Asian Insolvencies Post 1997
David Keith Linnan
3. New Legislative Trends of Bankruptcy and Corporation Law in China: Dutch or American?
Deng Feng
4. Solving South Korea's Credit Card Hangover: An Analysis of the Individual Debtor Rehabilitation Act (IDRA)
Jasper Kim
5. Do We Really Need a Regional Insolvency Pact in Australasia?: A Reply to an Asian Development Bank Proposal
Kent Anderson
6. Proof-Related Issues in Bankruptcy Cases in Indonesia
Rosa Agustina

C2/1: Corporate Governance

Chairperson: *Tan Cheng Han*

1. Challenges with Imposing Western Standards of Disclosure Requirements in Asia
Margaret Wang & Demetra Arsalidou
2. Perspectives on Asian Regional Cooperation in Corporate Governance
Kenneth B. Davis, Jr.
3. The Evolution and Revolution of Corporate Governance in Taiwan—Which Model Prevails?—Shareholder Control or Management Control?
Andrew Jen-Guang Lin

C2/2 & C3: Commercial Law – Building Interstate Taxation Regime

Chairperson: *Tithiphan Chuerboonchai*

1. The Recent Development of Investor Protection in Securities Regulations:
The Malaysian Perspective
Samsar Kamar Latif
2. Index Crash and After: Capital Market Regulatory Experience in Bangladesh
Tureen Afroz
3. Commercial Law Reform in China and Its Implications
Zhang Xian-Chu
4. Asian Regional Cooperation on Tax Issues
Charles R. Irish
5. Anti Tax Avoidance Measures in Malaysia
Abdul Haseeb Ansari
6. To Join the International Tax Cartel or Not? Asia's Dilemma. How Should Asia Respond to the OECD's Harmful Tax Regimes Project?
Justin Dabner

D1: Challenges of International Law I

Chairperson: *James Busuttil*

1. The Concept of Superior Responsibility under International Law: As Applied in Indonesia
Hikmahanto Juwana
2. Asian Contribution to the Development of International Law
Masahiro Miyoshi
3. The WTO TRIPS Agreement and Its Impact on the Rights of Indigenous Communities
Naazima Kamardeen
4. War Crimes and Acts of Terrorism: An Essay on Legal Distinctions
Kayian Kaikobad
5. National Human Rights Institutions and Economic and Social Rights
C. Raj Kumar
6. Threats to Peace and Security in the Asia-Pacific: The Evolving Mandate of the UN Security Council in International Law.
Ben Saul
7. International Humanitarian Issues in Asia: Regional Response to International and Internationalized Tribunals
Raul Pangalangan

D1/1: Challenges of International Law II

Chairperson: *James Busuttil*

1. The United Nations Early Contributions to International Law
Anand Nukala
2. Conflict of Private International Law in Peninsula Malaysia
Ismail Bin Mat
3. Judicial Application of International Law in Malaysia: A Critical Analysis
Khin Maung Sein & Abdual Ghafur Hamid
4. The Challenges in Conducting Marine Scientific Research in Coastal State's Maritime Zones
Rohani Mohd Shah

D2 & A3: Intellectual Property – IT/E-Commerce and the Law

Chairperson: *Gary F. Bell*

1. The Playstation Mod Chip: A Technological Guarantee of the Digital Consumer's Liberty or Copyright Menace/Circumvention Device?
Brian Fitzgerald
2. Implications of IPR and Trips on Indian Agriculture - A Critical Appraisal
Umadevi Kovur
3. Multi-Lateral Recognition of Pki Certification Authorities in the Asian Region: Issues in Cross-Fertilization
Alana Maurushat
4. Governing Computer Crimes within the Electronic Workplace: Toward a Private Justice Model? Some Evidence in Malaysia
Zaiton Binti Hamin
5. The Emergence of "Administrative" Arbitration in Electronic Commerce: A Simple Change of the Term from "Judicial" to "Administrative" Arbitration?
Zhao Yun

D3: Overcoming Transnational Crime

Chairperson: *Kyong Whan Ahn*

1. Corruption and Money Laundering in Indonesia: Looking Beyond Criminal Legal Response
Harkristuti Harkrisnowo
2. The Challenge of Law in Asia: From Globalization to Regionalization?
Mark Craig
3. Panel Data Estimation of Crime Rates in the Philippines
Miguel Gillado
4. Trafficking of Indonesian Women to Malaysia: A Legal Discourse
Rohani Abdul Rahim
5. Criminalization of Money Laundering in Indonesia: Developing New Issues after Being Released from Ncct's Black List
Syafreddin Hasibuan, SH, MH & Bismar Nasution
6. Transnational Crime: A Study of Problems on International Money Laundering in Thai Content
Viraphong Boonyobhas
7. Observation about Preventive Nature
Ye Qing

F1: Open Forum I

Chairperson: *Apirat Petchsiri*

1. Globalization, Asia and Emerging Challenges of Law
Ranbir Singh
2. Globalisation and the Challenge of Asian Legal Transplants in Europe
Prakash Shah
3. The Challenge of Law in Asia: Considering Religious Law in a Movement from Globalization to Regionalization
Abdurrahman Raden Aji Haqqi
4. Hindu Law in Singapore and Malaysia
Jothie Rajah

F2: Open Forum II

Chairperson: *Viraphong Boonyobhas*

1. Comparative Legal Traditions - Introducing the Common Law to Civil Lawyers in Asia
Margaret Fordham
2. The Emergence of Neo-Chinese
He Qinhua
3. Striving toward Social Justice through the Use of Clinical Legal Education: The Pannasastra University of Cambodia Experience
Bruce Avery Lasky & Suon Visal
4. The Molecular Economy: Global Consequences and Legal Challenges in Asia
Greg Beatty
5. The Legal and Policy Environment of Reproductive Health and Population Management
Elizabeth Aguilin Pangalangan
6. Compliance of Thai Laws to International Standards on Bioethics: Some Issues
Saratoon Santivasa

F3: Open Forum III

Chairperson: *Margaret A. Fordham*

1. The Conflict of Jurisdiction between the Court

Liu Xiaohong

2. Constitutional Territorial Claims: Can Korea Learn From Ireland?

Damien Patrick Horigan

3. New Democracy and the Constitutional Court In Korea

Jong-Sup Chong

4. The Constitutional Guarantee of Pre-Election Polls and Exit Polls In Thailand

Narongdech Srukhsit

5. The Tests to Determine 'Constructive Dismissal': The Malaysian Legal Perspectives

Nuarrual Hilal Md. Dahlan

6. Extension of Liability for Psychiatric Damage

Sandy Sabpathy