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Università degli Studi Torino Dipartimento di Scienze Giuridiche

CESL GRANT 2011

“CHINA’S INFLUENCE
ON NON-TRADE CONCERNS
IN INTERNATIONAL ECONOMIC LAW”

SECOND CONFERENCE

Hosted at

Tsinghua University – School of Law

January 14-15, 2012

in partnership with



with the support of:



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Introduction:

In the framework of the China-EU School of Law (CESL) Grant 2011 on “China and Non-Trade Concerns”, three conferences are organized. The first was held at University of Turin, Law Department & Center of Advanced Studies on Contemporary China (CASCC), Turin on November 23-24, 2011 and the third one at Maastricht University, Faculty of Law on January 19-20, 2012. This is the second of this series of conferences, and is held at Tsinghua University, School of Law on January 14-15, 2012.

A collected book edited by the Grant holder entitled “China's Influence on Non Trade Concerns in International Economic Law” (tentative title) will be published with Ashgate Publishing (UK), ISBN 978-1-4094-4848-8 (under contract for publication - forthcoming 2012).

The book will be also published in Italian, Chinese and Hungarian thanks to the funding delivered by the China-EU School of Law in Beijing, the Department of Public, Civil Procedure, International and European Law at University of Milan and by the National Employment Service of Republic of Hungary.

EXECUTIVE SUMMARY:

The delocalization of production appears to be the sole response to the increasing competitive pressure exerted by low-cost producers on European firms. While this delocalization has resulted in loss of employment for European citizens within the EU, it may have a corrosive impact on the core societal values both in EU and in the host country. Both public opinion and policy makers fear that international trade, in particular a further liberalization thereof, may undermine or jeopardize policies and measures on a wide variety of issues, for example, the protection the environment and the sustainable development, good governance, cultural rights, labour rights, public health, social welfare, national security, food safety, access to knowledge, consumer interests and animal welfare. There is a general consensus that these non-trade concerns, which cover very different societal aspirations and fears, must be addressed in EU external policy and in particular measures relating to international trade and foreign direct investment. There is also the expectation that the EU should act in all the international arenas to defend and keep these values at the highest level of protection. However, many of the trade measures introduced by developed countries to address non-trade concerns have been met by developing countries with cautious distrust if not with resistance or dissent. Developing countries, including China, often doubt the authenticity of such concerns that can be inspired by protectionist aims, rather than genuine non-trade concerns. Moreover, developing countries see these measures as an attempt by developed countries to impose their social, ethical or cultural values and preferences on exporting developing countries.

Given the different and sometimes opposing interests of developing and industrialized countries, one may question whether international economic law may become a fairer system. If all the countries negotiated in international fora having always in mind the general common interests of the humanity as a whole, this would be the case. Unfortunately this is not the case: this is the reason why this project is timely and necessary. Amongst the new emerging economies, China is already playing a key role in drawing new rules of the game and it is important to evaluate, without prejudice and by taking into consideration its special context, China's behaviour internally and externally to understand which direction the world is being driven in by China.

SECOND CONFERENCE
TSINGHUA UNIVERSITY, SCHOOL OF LAW

DAY I - JANUARY 14, 2011

Afternoon Session: 13:00 - 19:00

13:00 - 13:30 Registration

13:30 - 14:00 Welcoming speeches

H.E.Mr. Kusai SANDOR, Ambassador of the Republic of Hungary in Beijing, China
(to be confirmed)

Representative from the Italian Embassy in Beijing, China (to be confirmed)

WANG Mingyuan, Professor, Tsinghua University School of Law; Director, Center for Environmental, Natural Resources & Energy Law (THCEREL), Beijing

Paolo FARAH, University of Turin & Visiting Scholar Harvard Law School (East Asian Legal Studies); Scientific Director and China-EU School of Law (CESL) Grant Holder, Project on "China and Non-Trade Concerns", China-EU School of Law, Beijing

14:00 - Start of the Session

SESSION ONE: Multiculturalism, Liberalism, Right to Development and International Trade

PANEL CHAIR: LI Qiang, Beijing University, School of Government

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The Concept of Liberalism and the Chinese Context

Daniel BELL, Tsinghua University, Faculty of Philosophy, Beijing

New Confucianism and Political Thinking for the Long Term: Expanding the Discourse on Human Rights and Democracy

Jean-Yves HEURTEBISE, Aix-Marseille University, CEPERC (Research Center for Comparative Epistemology and Ergology)

Non-Trade Concerns or the Challenge of the Universalization of Constitutionalism in China and the West

Hortenzia HOSSZÚ, Chinese Academy of Social Science, Institute of European Studies & Hungarian Academy of Science, Institute of Political Science

Role of the Chinese State in Non-Trade Concerns

15:45 – 16:15 - Coffee Break

16:15 - Start

Paolo FARAH, University of Turin & Visiting Scholar Harvard Law School (East Asian Legal Studies)

The Evolution of the GATT/WTO Case law towards Non-Trade Concerns and the Chinese Perspective

HAN Liyu, Renmin University Law School, Beijing

Human Rights Protection into the WTO: the Pursuit of Development of Trade and Protection of Human Rights

SUN Shiyan, Chinese Academy of Social Sciences, Institute of International Law, Beijing

China and the International Covenant on Civil and Political Rights in the light of the Economic Development

NING Libiao, Guizhou University, School of Law

Right to Food in China

Andrea COLORIO, PMAB Law Firm & University of Milan-Bicocca, Center for Interdisciplinary Studies in Economics, Psychology and Social Sciences (CISEPS)

Non Trade-Concerns, Cross-Cultural Transfers and Environmental Protection: Aspects of China's New Real Rights Law in a Global Perspective

Short papers:

Ivan CARDILLO, University of Trento, Faculty of Law, Doctoral School in Comparative and European Legal Studies

China's Influence on the European Enlightenment Economic and Legal Theory

18:15 – 19:00 Round Table

Round Table: Daniel BELL, Ivan CARDILLO, Andrea COLORIO, Paolo FARAH, HAN Liyu, Jean-Yves HEURTEBISE, Hortenzia HOSSZÚ, LI Qiang, SUN Shiyan

19:00 - End of the Session

19:15 - Dinner for the speakers

DAY 2 - JANUARY 15, 2011

Morning Session: 8:00-12:30

8:00 – 8:30 Registration

8:30 - Start of the Session

SESSION TWO: International Trade, Intellectual Property Rights & Good Governance

PANEL CHAIR: Paolo FARAH, University of Turin & Visiting Scholar Harvard Law School (East Asian Legal Studies)

SHENG Jianming, University of International Business and Economics (UIBE), School of Law, Beijing

The Dispute Settlement System under the WTO and a Better Governance of China's Trade Policies

Antonella FORGANNI, Bocconi University, Faculty of Law in Milan and Beijing Normal University, School of Law

Good Governance in Trade Defence Measures

Elena CIMA, University of Eastern Piedmont and Marie Curie Fellow at Tsinghua University School of Law, Center for Environmental, Natural Resources & Energy Law (THCEREL), Beijing

Intellectual Property, Energy Technologies and the Developing World: a Case Study on China

SESSION THREE. Public Health, Product and Food Safety, Consumers Protection

PANEL CHAIR: WANG Mingyuan, Tsinghua University School of Law, Center for Environmental, Natural Resources & Energy Law (THCEREL), Beijing

ZHANG Ningning, Ministry of Industry and Information Technology, Electronic Technology Information Research Institute, FENG Shujie, Tsinghua University School of Law, Center for Research on Intellectual Property Law, Beijing & SHU Xin, Tsinghua University School of Law,

The Protection of Biotechnological Innovations by Patent: a Comparative Study between China, EU and US in the context of TRIPs agreement

LIAO Shi-ping, Beijing Normal University, School of Law

The Financial Legal Instruments adopted by the Chinese Government for Reasons related to Agricultural Security

HU Junhong, Beijing Normal University, School of Law

From Remedy of Damage to Risk Prevention. An Analysis of the New Legislative Implications of the Chapter on "Product Liability" in China's Tort Liability Law

Davide FOLLADOR, Franzosi - Dal Negro - Setti Law Firm

Geographical Indications and Consumers Protection in China Today

Round Table: Elena CIMA, Paolo FARAH, Davide FOLLADOR, Antonella FORGANNI, HU Junhong, LIAO Shi-ping, SHENG Jieming, WANG Mingyuan, ZHANG Ningning

12:30 - End of the Session

12:30 – 14:00 Lunch

14:00 – 16:00 Follow-up to the conference: Internal meeting among the speakers and contributors to the forthcoming book