

# ASIA PACIFIC DISPUTES RESOLUTION ANNUAL UPDATE

April 2009 - March 2010

## The Next Steps: Commencing Phase II of the APDR Project

In April 2009, the Institute of Asian Research (IAR) launched Phase II of the Asia Pacific Disputes Resolution (APDR) Research Project:

*Understanding Coordinated Compliance with International Trade and Human Rights Standards in Comparative Perspectives.* Funded by the Social Sciences and Humanities Research Council (SSHRC) of Canada under its Major Collaborative Research Initiative (MCRI) Program, this is the second \$2.5 million dollar grant won through competition in a wide field of applicants.

This Project's key activities support a fully integrated program of research, student training, knowledge transfer activities, publications, policy seminars, and a public lecture series.

Whereas the initial MCRI Project generated an explanatory model that enabled reliable forecasting of local compliance with international trade and human rights standards as separate and distinct discourses, the Phase II Project expands its research on the dynamic relationships between trade and human rights policies and practices in Canada and Asia; it builds an expanded model to forecast conditions for coordinating compliance with these standards. For example, some dyads under examination are: trade systems and food security;

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### MAJOR 2009/2010 WORKSHOPS & CONFERENCES

- **Religion and Rights in China**  
University of Toronto – May 2009
- **Research Design Workshop**  
University of Hong Kong – September 2009
- **International Law Forum**  
Hebrew University, Jerusalem – October 2009
- **International Conference on Health and Trade**  
Erasmus University, Netherlands – December 2009
- **The Development of the Chinese Legal System: Change and Challenges**  
University of Hong Kong – December, 2009
- **Business and Human Rights Symposium (Canadian Business Ethics Research Network)**  
York University – February 2010

### UPCOMING WORKSHOPS & CONFERENCES

- **The Cultural Sources of Deliberative Politics in East Asia**  
Fudan University – May 2010
- **Implementing International Law in the Domestic Legal Order**  
McGill University – June 2010
- **Second Biennial Global Conference (Society of International Economic Law)**  
Barcelona, Spain – July 2010
- **Canadian Council on International Law Conference**  
Kobe University – August 2010
- **CSR Symposium (The Whistler Forum)**  
Shanghai, China – September 2010
- **Research Design Workshop**  
Bali, Indonesia – December 2010

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trade transparency and labour rights; and trade subsidies and housing rights.

Predictable coordination can in turn facilitate stronger cooperation in trade and human rights relations, such that expanded trade connections can be demonstrated to contribute to improved human rights conditions, and vice versa. Particular attention is paid to Canada, China, India, Indonesia, and Japan.

The Project's team is an expansive network of over 50 colleagues from UBC and partner institutions in North America, Australia, and Asia. Team members have been drawn from various fields, including law schools, schools of business and economics, and dispute resolution organizations; they have a wealth of interdisciplinary training and experience in comparative research. Students have also been an integral part of the research team; the Project has already supported 16 graduate students by providing travel funding and research assistantships.

Logistically, the Phase II Project refines the operational system in the Phase I program, relying on (1) Country Research Teams (CRT), and (2) a Coordinated Compliance Research Group (CCRG). These units are supported by an Executive Committee, a Program Manager & Secretariat, and an International Advisory Board consisting of highly-respected individuals such as Madame Justice Beverly McLachlin (Chief Justice of the Supreme Court of Canada), John Hogarth (Professor Emeritus, UBC Law School), and

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#### MAJOR 2009/2010 PUBLICATIONS

- ***The Hypothesis of Selective Adaptation and the Practice of Rule of Law in China***  
Pitman B. Potter and Gu Xiaorong, ed., (Shanghai: Shanghai Academy of Social Sciences Press, 2009) (in Chinese and English).
- **"Dilemmas of Access to Healthcare in China"**  
Pitman B. Potter, *China – International Law*, vol. 8, no. 1 (March 2010), 164–179.
- **"The Protracted Bargain: Negotiating the Canada–China Foreign Investment Promotion and Protection Agreement (FIPA)"**  
Justin Carter, accepted for publication in the *Canadian Yearbook of International Law*.

#### UPCOMING PUBLICATIONS AND WORKING DOCUMENTS

- **"Legitimacy Dynamics: Rights, Norms, and Local Cultural Imperatives – Government and the Recognition of Individual Creation in the PRC's IP Law"**  
Wenwei Guan, *International Journal of Private Law*, Vol. 3, No. 3 (November 2010), 300–316.
- **"Attending to Efficiency and Justice: Coordinating Compliance with International Trade and Human Rights Standards in China"**  
Pitman B. Potter (presented at the Business and Human Rights Symposium, York University, February 2010)
- **"Coordinating Corporate Governance and Corporate Social Responsibility"**  
Pitman B. Potter (presented at the China Law Society, 24th World Congress, Beijing, China, September 2009)
- **"Dissent in China: Ethnic Religious, Political and Economic"**  
Pitman B. Potter (presented at the CAPI China Conference, University of Victoria, November 2009)

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Ambassador Joseph Caron (Canada's Ambassador to India).

As for the Project's progress, there has been a great deal of work underway in the first year of Phase II. The team's main focus has been devoted to refining research instruments, finalizing arrangements for collaborative research, expanding links with stakeholder communities, and building foundations for knowledge dissemination and policy intervention. The Research Design Workshop held at Hong Kong University in September 2009 was a useful foundation for the next stages of work as various key issues were examined, including research design, methodology, budgeting, and work-planning.

While Phase II of the Project is only at its early stages of development, we are excited about its ability to assist scholars and policymakers to better understand the requirements for effective cross-cultural dispute resolution, thus strengthening efforts to build a community of trade and human rights compliance in the Asia-Pacific region.

#### CASE STUDIES IN PROGRESS

- **Trade and Human Rights Dimensions of the Canada–China Foreign Investment Protection Agreement (FIPA)**  
Dr. Tim McDaniels
- **Human Rights Dimensions of Property Relations (including IPR and Health)**  
Dr. Ilan B. Vertinsky
- **Trade and Human Rights Issues and Concepts in WTO and Regional Trade Agreements**  
Dr. Ljiljana Biukovic
- **Competition Policy and Living Standards**  
Dr. Richard Schwindt
- **Trade and Public Access to Health Care**  
Dr. Lesley Jacobs