

# ASIA PACIFIC DISPUTES RESOLUTION ANNUAL UPDATE

April 2010 - March 2011

## Research and Results: The Second Year of Phase II

In April 2010, the Institute of Asian Research (IAR) commenced its second year of work for Phase II of the Asia Pacific Disputes Resolution (APDR) Research Project: *Understanding Coordinated Compliance with International Trade and Human Rights Standards in Comparative Perspectives*. While the objective of the first year was to lay a strong foundation for the Project, the focus this year shifted towards research on case studies regarding coordinated compliance between international trade and human rights regimes.

The Project's Country Research Teams and Coordinated Compliance Research Group continue to make good progress. Notable developments from this year include:

### Indonesia

- Several Indonesia team members wrote a paper, "Globalization and Human Rights Rural Poverty and Urban Housing Issues in Indonesia", for presentation at the Joint Conference of the Association of Asian Studies and the International Convention of Asia Scholars in March–April 2011.
- Much of this team's research on the effect of rural poverty and urban settlement issues on globalization and human rights in Indonesia is still in progress. However, several papers are expected to be completed during the 2011–2012 period.

### MAJOR 2010/2011 WORKSHOPS & CONFERENCES

- **Second Biennial Global Conference (Society of International Economic Law)**  
Barcelona, Spain – July 2010
- **Issues of International Legal Control on Global Climate Change: Environmental Law Forum of Young Scholars from the Yangtze Delta River (APDR Program and the Law Institute at SASS)**  
Shanghai Academy of Social Sciences – November 2010
- **Gender Equality and Trade: Coordinated Compliance between Regimes**  
Ottawa, Canada – December 2010
- **Research Design Workshop (Year 2)**  
Bali, Indonesia – December 2010

### UPCOMING WORKSHOPS & CONFERENCES

- **Joint Conference of the Association of Asian Studies and the International Convention of Asia Scholars**  
Hawaii Convention Center, Hawaii – March 31–April 3, 2011
- **Corporate Social Responsibility in the Pacific Rim (APDR Program, NCBL, and CBERN)**  
Institute of Asian Research, UBC – April 2011
- **Canada–Japan Trade Research Initiative**  
Hitotsubashi University, Japan – August 2011
- **The Changing Global Landscape for International Trade and Human Rights Linkages**  
York University – October 13–14, 2011
- **Localizing Global Justice (Weatherhead East Asian Institute)**  
Columbia University – November 2011
- **Research Design Workshop (Year 3)**  
New Delhi, India – December 8–10, 2011

## India

- Bharat Ramaswami, Ashok Kotwal, and Milind Murugkar wrote articles for leading newspapers in India to promote alternatives to India's Public Distribution System. These efforts garnered strong government interest, resulting in the opportunity to give presentations on food subsidy issues to several Indian ministers and politicians, including leader of the ruling Congress party, Mr. Rahul Gandhi.
- Ashwini Kulkarni presented a report to the Government of Maharashtra regarding the poor performance of right to work schemes in that state. She is working closely with this state to improve its implementation of the National Rural Employment Guarantee Act (NREGA).

## China

- Sarah Biddulph completed a paper on selective adaptation of international human rights norms and law reform in China in February 2011. Publication is forthcoming.
- Research is continuing on the relationship between carbon tariff system design and fair trade on small and medium-size enterprises in China. Publication of the results in the form of a book is expected in the next two years.
- Field work is underway to examine the problems and orientation of financial reform in China. Academic papers will result from this investigation and the expected time of completion is December 2012.

## Japan

- The Japan Team is currently engaged in designing survey questionnaires, preparing case studies on dyadic conflicts in Japanese

## MAJOR 2010/2011 PUBLICATIONS

- **"The Protracted Bargain: Negotiating the Canada–China Foreign Investment Promotion and Protection Agreement"**  
Justin Carter (graduate research assistant), *Canadian Yearbook of International Law*, vol. 47 (2010), 197–259.
- ***Globalization and Local Adaptation in International Trade Law***  
Pitman B. Potter and Ljiljana Biukovic, eds. (UBC Press, 2011).
- **"Competition Policy and Selective Adaptation: Lessons from Japan"**  
Richard Schwindt and Kevin McDaniels, in *Globalization and Local Adaptation in International Trade Law* (see above).
- ***Law, Policy and Practice on China's Periphery: Selective Adaptation and Institutional Capacity***  
Pitman B. Potter (London: Routledge, 2011).
- **"Adoption and Policy Implications of Japan's New Corporate Governance Practices after the Reform"**  
Masao Nakamura, *Asia Pacific Journal of Management* (2011), 187–213.

## UPCOMING PUBLICATIONS

- ***Human Rights Issues in the Asia Pacific Region: New Perspectives on Social Rights***  
Sarah Biddulph and Lesley Jacobs, eds. (UBC Press).
- **"Delivering Food Subsidy: The State and the Market"**  
Ashok Kotwal and Bharat Ramaswami, in *Handbook on Food, Politics and Society*, Ronald Herring, ed. (Oxford University Press, 2011).
- **"Japanese Corporate Governance Reform, Globalization and Selective Adaptation"**  
Masao Nakamura, *Journal of Asian Business*.
- ***Canada–China Relations: Issues and Challenges for the 21st Century***  
Pitman B. Potter and Thomas Adams, eds. (Toronto: Canadian International Council, 2011).

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society (for example, between human rights and economic incentives), and presenting preliminary research findings at various conferences.

- Kyoto Ishida's paper, "Promotion of Workplace Gender Equality and Impact of Free Market Principle in Japan", and Yoshitaka Wada's paper, "Selective Adaptation in Japan", will both be included in a MCRI synthesis volume edited by Pitman B. Potter.

### Canada

- The APDR delivered the Summer Institute China Program at UBC's IAR. This Program is designed for business professionals, lawyers, and government staff who are looking to strengthen their expertise in the China operating environment. No other program like this exists in Canada and it has filled a fundamental need for training in engaging with China in the 21st century.
- Graduate students continue to be an important part of the team. Erika Cedillo, PhD candidate at the UBC Faculty of Law, had the chance to present her research findings at a doctoral seminar in international law at McGill University in June 2010, while Sophia Woodman and Arka Roy Chuadhuri are expecting publication of their papers in Fall 2011.
- In Fall 2010, Dr. Elena Caprioni joined the Project as a Post-Doctoral Fellow. Her main area of research is on corporate social responsibility and protection of minority rights in China. We are very pleased to have her as part of our team.

### Coordinated Compliance Research Group

- Ilan Vertinsky, Pitman B. Potter, and Yoel Kornreich (graduate student) are in the process of revising a paper on conflicting health and IP rights in China for the *China Journal*. A comparative China-Canada study on corporate social responsibility and building organizational social capital is being revised for possible publication as a book chapter.
- Richard Schwindt is currently researching coordinated compliance with international trade and competition policy standards in China. Research is expected to be completed next year.
- Ljiljana Biukovic presented a draft paper at the Four Societies of International Law Conference in August 2010. Her paper, "Regional Streamlining of International Trade Law and Human Rights Law in Asia: Challenges and Opportunities", is under review by Cambridge University Press.