

ASIA PACIFIC DISPUTES RESOLUTION ANNUAL UPDATE

No. 3

April 2011-March 2012

Research and Results: The Third Year of APDR Project

In April 2011 the Institute of Asian Research (IAR) commenced its third year of work for Phase II of the Asia Pacific Dispute Resolution (APDR) Research Project. The project still maintains its original research goal: *understanding coordinated compliance with the international trade and human rights standards in comparative perspectives*. The focus of year three continues from that of year two – research on case studies between international trade and human rights regimes. Alongside this research, the APDR project also focused on producing several publications, organizing workshops and conferences and other research dissemination activities. As of April 2012, the project will be moved from the IAR to the UBC's Faculty of Law at Allard Hall.

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

India

- Bharat Ramaswami, Ashok Kotwal, Milind Murugkar, Arka Choudhury, Ashwini Kulkarni, Julia Freeman, and Wilima Wadhwa published several journal articles regarding Indian food subsidies, economy, and rural education.
- Bharat Ramaswami, Ashok Kotwal, and Milind Murugkar continued to write articles for leading newspapers in India to promote alternatives to India's Public Distribution System.
- Milind Murugkar participated as a panelist on several national TV channels in India on the topic of food security
- Dr. Ashok Kotwal launched a policy portal regarding Indian growth and development.

MAJOR 2011 /2012 WORKSHOPS & CONFERENCES

- **Collective Consultation, the Regulation and Promotion: World Experience and Exploration in China**
Shanghai Academy of Social Sciences, China – October 22, 2011
- **Year Three – Research Design Workshop**
New Delhi, India – December 8–10, 2011
- **Association for Asian Studies – 2012 Annual Conference**
Toronto, Canada – March 15–18, 2012

UPCOMING WORKSHOPS & CONFERENCES

- **China Links – Vancouver Session**
UBC, Vancouver, Canada – April 12–14, 2012
- **China Links – Shanghai Integrated Instructional Session**
Shanghai, China – May 7–11, 2012
- **2012 International Conference on Law and Society**
Honolulu, USA – June 5–8, 2012
- **Food Security in India**
Green College at UBC, Vancouver, Canada – September 19, 2012
- **Dilemmas of Efficiency In Public Health**
Green College at UBC, Vancouver, Canada – October 12, 2012
- **Medical Tourism in South Asia: Moving From Brain Drain to Brain Gain**
Green College at UBC, Vancouver, Canada – November 19, 2012
- **Year Four – Research Design Workshop**
Tokyo, Japan – December 6–8, 2012

- Ashwini Deshpande, Bharat Ramaswami, Ashok Kotwal, Ashwini Kulkarni, Nisha Malhotra, Milind Murugkar, and Wilima Wadhwa all made presentations throughout India and abroad.

Indonesia

- The research work by the Indonesian team focuses on that country, and on the interactions, frictions and complementarities between the two themes of globalizing policies or global standards, and human rights issues.
- Abidin Kusno's research is on the rights to housing in Jakarta with a focus on property rights laws and their enforcement.
- Michael Leaf's research is also focused on housing and property rights in urban Indonesia. He examines the development of property rights in urban land and a more generalized notion of the right to the city expressed in terms of civic entitlements.
- The research by Aris Ananta, from the Institute of Southeast Asian Studies in Singapore, focuses on a third aspect of globalization, in the political as distinct from the market sphere, the international demand for democracy.
- Arianto Patunru and Zakir Machmud of the University of Indonesia in Jakarta are working on a slightly different economic aspect of globalization, the policy focus on small and medium sized enterprises, and what effects that is having on several aspects of human rights within Indonesia.
- The work of Richard Barichello and Faisal Harahap, of UBC, is focused on the traditional aspect of globalization, the reduction in barriers to international trade.

Canada

- Les Jacobs and Ilan Vertinsky developed a comparative cross-country research project on access to health care and pharmaceuticals in the Asia Pacific and the role of coordinated compliance with international human rights and trade law.

- Les Jacobs and Sarbani Sen (post-doctoral fellow) worked on a comparative project on legal advertarialism in Canada, India, and China focused on socio-economic rights.
- Jacobs was a guest editor for *The Globalization of the Race Relations Policy Dialogue*, a publication of the Canadian Race Relations Foundation.
- Les Jacobs and Daniel Drache organized The Changing Global Landscape for International Trade and Human Rights Linkages conference. Les Jacobs & Lorne Foster also hosted in Beijing the first "Canada-China Human Rights Forum on Industrial Relations and Labour," fully funded by the International Trade and Labour Program, HRSDC, Government of Canada. Lorne Foster and Les Jacobs also worked on editing and publishing the papers prepared for the Canada-China Forum.
- Several articles were published by Les Jacobs & Lorne Foster during follow-up work with the Ontario Human Rights Commission on their new competing human rights policy.
- A new project on Diversity Initiatives and Affirmative Action in India and Canada has been initiated by Les Jacobs Lorne Foster, with Rheka Saxena from the University of New Delhi

China

- Sarah Biddulph, Gu Xiaorong, Yang Pengfei, Hao Yiding, Wang Haifeng, and He Weidong have all published several journal articles regarding Chinese law, economy and trade.
- Sarah Biddulph made several presentations in China and abroad regarding Chinese trade, labour disputes and labour protests.
- 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 within the next two years.
- Several research papers regarding financial reform in china are forthcoming with the expected date of completion of December 2012.

- Upcoming Volume titled “Standardisation and Promotion of Collective Negotiation: International Experience and Chinese Experience” expected to be published by the end of 2012.

Japan

- Several journal articles by H. Hayami, M. Nakamura and A. Nakamura regarding corporate governance and labour are forthcoming and are expected to be completed during the 2012–2013 period.
- Professor Wada’s case study explores how and to what extent the global standards concerning the IP rights and the marketing of medicines affect the Japanese healthcare system as a whole.
- Professor Kyoko Ishida’s research explores the dyadic conflicts involving Japanese firms’ efficiency objectives versus the potential inefficiency associated with female workers (equal employment opportunity, equal pay for work of equal value, etc.) in a number of circumstances in the Japanese labor management.
- Masao Nakamura’s research on Corporate Governance & Corporate Social Responsibility explores Japan’s recent corporate governance reform practices, which is based on the shareholder value maximization principle.

Coordinated Compliance Research Group

- Ljiljana Biukovic made several presentations regarding Chinese trade in Canada and abroad, and her paper “Regional Streamlining of International Trade and International Human Rights Norms: Opportunities and Challenges” is forthcoming. Her mini-project will be completed by 31 December 2012 and a summary report will be presented to the annual MCRI workshop to be held in December 2012 at Waseda University, Tokyo, Japan.

- Ilan Vertinsky in collaboration with Yoel Kornreich (Ph.D. student in Political Science at UBC), and Pitman Potter completed the paper “Consultation and Deliberation in China: The Making of China’s Recent Health Care Reform,” which has been accepted for publication in the *China Journal* (published by the University of Chicago Press). They are planning to continue this study of coordinated compliance by examining the inclusion of TRIPS flexibilities in China with regard to the patenting of medicines. Dr. Veicheng Yu of the Shanghai University of Finance and Economics has joined the team conducting this research. Dr. Vertinsky’s study of the prospects of India’s potential for coordinated compliance between health and intellectual property protection rights started in 2011, and will be completed by the end of summer 2012.
- Richard Schwindt continues his research on coordinated compliance with international trade and competition policy standards in China. The research scope has been expanded to include a review of the use of SOEs to restructure specific Chinese industries and the research is expected to be completed in 2013.
- Pitman Potter is preparing two books for publication. *Law and Treaty Performance in China: Norms and Structures on Trade and Human Rights* (accepted for publication by UBC Press and likely appearing in 2013) and *The PRC Legal System* (an undergraduate textbook forthcoming from Polity Press in 2012). Professor Potter’s recent refereed articles include: Pitman B. Potter, “International and Domestic Selective Adaptation: The Case of Charter 08,” in John Gillespie and Pip Nicholson, ed., *Law and Development and the Global Discourses of Legal Transfers* (Cambridge: Cambridge University Press, 2012), pp. 56–81 and Pitman B. Potter and Sophia Woodman, “Boundaries of Tolerance: Charter 08 and Debates over Political Reform,” in Jean-Philippe Beja, Fu Hualing, and Eva Pils, ed., *Liu Xiaobo, Charter 08 and the Challenges of Political Reform in China* (Hong Kong: Hong Kong University Press, 2012), pp. 97–117.