

# ASIA PACIFIC DISPUTES RESOLUTION ANNUAL UPDATE

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## Research and Results: The Fourth Year of APDR Project

In April 2012, the Asia Pacific Dispute Resolution Project commenced its fourth year research activities on examining the general conditions for coordinated compliance with international trade and human rights standards in the Asia-Pacific Region. The highlight of the year was the Mid Term review conducted by the Social Sciences and Humanities Research Council of Canada. The Mid Term review took place on October 11-12, 2012 by videoconference. Six weeks after the review, SSHRC approved the continuation of funding for the project based on the recommendation by the review committee. In light of Mid Term review and the original plans, the project shifted the focus of work from research on Case Studies to dyad analysis, writing up Case Study results, and publication of edited volumes on Coordinated Compliance.

The project objectives for the fourth year are to generate a series of edited volumes organized around themes of Coordinated Compliance. While each of five edited volumes will be coordinated by a regional country team, these will be project-wide volumes on thematic dyad topics. Topics are as follows:

- Coordinated compliance of trade policy and the human right to health
- Coordinated compliance of trade policy and the human right to development
- Coordinated compliance of trade policy and dilemmas of poverty/ inequality
- Coordinated compliance of trade policy and the human right in government accountability and consumer protection
- Coordinated compliance of trade policy and the human rights in labor relations

### MAJOR 2012/2013 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
- **Public Health Law and Policy in Asia Lecture Series**  
Green College Lecture Series  
Green College at UBC, Vancouver, Canada
  - **Bharat Ramaswami with Ashok Kotwal – Food Security in India** – September 19, 2012
  - **Lesley Jacobs – When Things Go Wrong: Medical Error, Rights Violations and Access to Justice in Health Care on Asia Pacific Rim** – October 12, 2012
  - **Nir Eyal – Medical Tourism in South Asia: Moving From Brain Drain to Brain Gain** – November 19, 2012
  - **Arianto Patunry with Zakir Mahmud – Poverty and Globalization in Indonesia** – January 21, 2013
  - **Ilan Vertinsky – Health and Intellectual Property Rights** – February 11, 2013
  - **Wan Yanhai – Challenges of Public Health Policy in China** – March 18, 2013
- **Year Four – Research Design Workshop**  
Tokyo, Japan – December 6-8, 2012

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

### India – Development

- Team members continued working on various issues of systemic failures in the most significant government policies impinging on poverty alleviation, including distribution of food subsidy, the governance of national Rural Employment Guarantee Act, the functioning of government schools in rural areas and policy on agricultural technology. Bharat Ramaswami, Ashwini Kulkarni, Ashok Kotwal, Milind Murugkar, Willima Wadhwa, and Nisha Malhotra published several journal articles and book chapters regarding the Indian food subsidies, food security, children health and primary education.
- Several research projects are oriented towards diagnosing the glitches in the implementation of law and suggestion of improvements. They have made advocacy efforts to bring about changes in the government policy on food security in India by publishing Op-ed pieces in Indian newspapers, appearing on India media and presenting papers at academic conferences.

### Japan – Health

- The research and write up of case studies have continued, and research reports are being prepared incorporating the unified categories for Case Studies of the MCRI project.
- The team has completed a survey on gender compliance in the context of human rights and labor. The preliminary analysis of the survey data has begun and further dissemination is expected.
- Additional survey is being planned on health, human rights and trade.
- The research findings in areas of gender equality rights, corporate governance practice, health care and selective adaptation of law in Japan have been presented and published in several journals and edited volumes.

### UPCOMING WORKSHOP & CONFERENCE

- **Yoshitaka Wada – Work Environment of Physicians and Quality of Healthcare in Japan**, Green College, UBC, Vancouver, Canada– April 15, 2013
- **China Law Links**  
UBC, Vancouver, Canada– September 19–21, 2013
- **Workshop / Legal Protection of Financial Consumers**  
Shanghai Academy of Social Sciences, Shanghai, China–October 19, 2013
- **Research Design Workshop – Year 5**  
UBC, Vancouver, Canada– October 28–29, 2013
- **Conference on Public Health Policy in Asia: Rights, Risks and Redistribution**  
Institute of Asian Research, UBC, Vancouver, Canada–December, 2013

### Indonesia – Poverty/Inequality

- Abidin Kusno published a paper regarding social housing in Jakarta, in both English journal and Indonesian book. The paper was presented and discussed at several events, which have been covered by various local newspapers in Indonesia.

### Canada – Labor relations

- Research on 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 has been disseminated through various publications.
- A book project on linking global trade and human rights is in progress (Les Jacobs and Daniel Drache eds.) The book includes a number of papers from the APDR project collaborators. The expected publication date is spring 2014.
- Les Jacobs and Daniel Drache will organize a major international conference – ‘Intersections between Anti-Dumping, Subsidies, and Human Rights: The Grey Zones of Global Governance’ at York University on February 6–7, 2014.

### China – Government Accountability and Consumer Protection

- Sarah Biddulph, Gu Xiaorong, Yang Pengfei, Hao Yiding, Wang Haifeng, Wang Shuliang and He Weidong have all published several journal articles and book chapters regarding law reform, labor law, financial law and environmental law in China.
- Policy proposals brought by Gu Xiaorong on protection of financial consumers have been accepted as central government key research projects with impacts on central government policy and regulation.
- Gu Xiaorong, Sarah Biddulph and Ljiljana Biukovic are in the preparation of an edited volume on Coordinated compliance of trade policy and human rights to government accountability.
- Gu Xiaorong will organize a workshop on Protection of Financial Consumers, to be held in October 2013 at SASS in Shanghai.

### Coordinated Compliance Research Group (CCRG)

- The mini-project on “Coordinated Compliance: International Trade and Human Rights Linkages” conducted by Sarah Biddulph and Ljiljana Biukovic was completed in December 2012. The outcomes of the project have been published as journal articles and book chapters.
- Ljiljana Biukovic briefed the 2012 MCRI Tokyo workshop participants on the outcomes of the mini-project and worked with the country teams on developing research methodologies for the final stage of the project.
- Naayeli Ramirez (Graduate Research Assistant) presented her research on the relationship between indigenous people’s rights and trade and investment agreements at the 2012 Research Design workshop in Tokyo, Japan–December 2012.
- The activities of the CCRG group for year five will mainly be devoted to organizing a workshop on “Mapping the Impact of International Trade and Human Rights Rules on Local Practice” to be held at the International Institute of the Sociology of Law, Onati, Spain scheduled for July 2014.

### MAJOR 2012/2013 PUBLICATIONS

- ***Gender Equality Rights and Trade Regimes: Coordinating Compliance*** Pitman B. Potter and Heather Gibb (with Erika Cedillo), eds., The North South Institute and Asia Pacific Dispute Resolution Research Project, UBC, 2012.
- “**CSR and Corporate Governance: Japanese Firms and Selective Adaptation,**” Makamura, M and Rebien, S.T., UBC Law Review 45: 723–778.
- ***Perumahan Rakyat dan Utopia Jakarta*** (Social Housing and the Utopia of Jakarta) Abidin Kusno, Yogyakarta: Ombak Press, 2012.
- ***Climate Change Law: International and National Approaches,*** He Weidong and Peng Feng, eds., Shanghai Academy of Social Sciences Press, 2012.
- ***Research on Collective Negotiation Institution in Labor Relations,*** Yang Pengfei, ed., Shanghai Academy of Social Sciences Press, September, 2012.
- ***Coordination of International Trade and Human Rights: Research Papers*** Erika M. Cedillo Corral ed., Institute of Asia Research, UBC, 2012.
- ***The Political Economy of Food Subsidy in India,*** Ashok Kotwal, Milind Murugkar and Bharat Ramaswami. *The Copenhagen Journal of Asian Studies*, Vol.30, 2, 2012.

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### UPCOMING PUBLICATIONS

- ***Linking Global Trade and Human Rights*** Les Jacobs and Daniel Deache, eds., Cambridge University Press, 2013.
- ***Selective Adaptation of International Human Rights Norms and Law Reform in China,*** Sarah Biddulph, UBC Press, 2013.
- ***China’s Legal System,*** Pitman B. Potter, Polity Press, 2013.
- ***Treaty Performance in China: Norms and Operations on Trade and Human Rights*** Pitman B. Potter, UBC Press, 2014.