



Università degli Studi Torino

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Dipartimento di Scienze Giuridiche

CESL GRANT 2011

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

Hosted at

University of Turin – Law Department

November 23-24, 2011
Aula Magna - Rettorato

in partnership with



with the support of:



Introduction:

In the framework of the CESL Grant 2011 on “China and Non-Trade Concerns”, three conferences will be organized. The first is held at University of Turin, Law Department & Center of Advanced Studies on Contemporary China (CASCC), Turin, the second at Tsinghua University, School of Law and the third one at Maastricht University, Faculty of Law.

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 (under contract for publication - forthcoming 2012).

The section three on “Sustainable Development, Environmental Protection and Climate Change” is participated by researchers EU commission project – Marie Curie IRSES, funding from the European Community's Seventh Framework Programme (FP7/2007-2013) under grant agreement n° 269327 Acronym of the Project: EPSEI, Coordinated by University of Turin - Dipartimento di Scienze Giuridiche.

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 by China.

**FIRST CONFERENCE
UNIVERSITY OF TURIN, LAW DEPARTMENT
CENTER OF ADVANCED STUDIES ON CONTEMPORARY CHINA, TURIN**

DAY I - NOVEMBER 23, 2011

Afternoon Session: 14:30 - 19:00 – Aula Magna, Rettorato

13:15-13:45 Registration

13:45 - 14:30 Welcoming Speeches

Welcoming Speeches:

Gianmaria AJANI, Dean, University of Turin, Faculty of Law & Vice-Director of the Center of Advanced Studies on Contemporary China (CASCC), Turin

Stefania STAFUTTI, Director, Center of Advanced Studies on Contemporary China, Turin

Raffaele CATERINA Director, University of Turin, Law Department

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

SESSION ONE

Public Policy, International Trade & Foreign Direct Investment: The Role of States & Non State Actors in Economic Globalization

14:30 - 16:30

PANEL CHAIR: Gianmaria AJANI, University of Turin, Faculty of Law

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

“The Process of Opening up the WTO to Civil Society and Non-Trade Concerns and the Chinese perspective”

Jean-Yves HEURTEBISE, Aix-Marseille University, CEPERC (Research Center for Comparative Epistemology and Ergology) & EU Marie Curie Fellow at Tsinghua University School of Law (Beijing)

"Understanding Non-Trade Concerns through Comparative Chinese and European Philosophy of Law"

Angelica BONFANTI, University of Milan, Faculty of Law

"Multinational Corporations & International Law: Corporate Social Responsibility and Corporate Accountability with Chinese Particularities"

Valentina VADI, Maastricht University, Faculty of Law

"Law, Culture and the Politics of Chinese Outward Foreign Direct Investment"

Short Papers:

Nicolo ZINGALES, Bocconi University Faculty of Law

"The Governance of Markets: the Antimonopoly Law in China"

Lorenzo DI MASI

"Non-Trade Concerns and Regional Trade Agreements: the ASEAN and the Role of China"

16:30 - 17:00 – ROUND TABLE: Angelica BONFANTI, Lorenzo DI MASI, Paolo FARAH, Jean-Yves HEURTEBISE, Valentina VADI, Nicolo ZINGALES

17:00 - 17:15 – BREAK

SESSION TWO

Fundamental Rights and Cultural Diversity

17:15 – 18:15

PANEL CHAIR: Edoardo GREPPI, University of Turin, Faculty of Law

Flavia Zorzi GIUSTINIANI, University of Rome Tre, Faculty of Law & Università Telematica Internazionale - Uninettuno

"Right to Food from the Perspectives of Public International Law and WTO law"

Roberto SOPRANO, University of Salerno, Faculty of Law

"China and the Recognition and Protection of the Human Right to Water"

Christoph GERMANN, Law Schools of the Universities of Oxford & London, Birkbeck College

"China and Hollywood at WTO: Janus' faces of freedom"

18:15 – 18:45 – ROUND TABLE: Edoardo GREPPI, Flavia ZORZI GIUSTINIANI, Roberto SOPRANO, Christoph GERMANN

DAY 2 - NOVEMBER 24, 2011

Morning Session: 8:30 – 13:00

8:30-9:00 Registration

9:00 Begin of the Session

SESSION THREE

Sustainable Development, Environmental Protection and Climate Change

9:00 – 13:00

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

Francesco SINDICO, University of Dundee, Centre for Energy, Petroleum and Mineral Law and Policy

"The Evolution of the International Climate Change Regime and Trade vs Environment Issues"

Thomas DELEUIL, Aix-Marseille University, Centre of International and European Research and Studies

"The Principle of Common But Differentiated Responsibilities in International Regime of Climate Change"

Marion LEMOINE, Aix-Marseille University, Centre of International and European Research and Studies & Research group in Quantitative Economics of Aix Marseille

"The Kyoto Protocol: Carbon Pricing and Trade Prospects. The Clean Development Mechanism from the Perspective of the Developing Countries"

Jakob SKOOVGARD, Lund University Department of Political Sciences

"EU Climate Policy After the Crisis. The Debate over Whether the EU Should Move beyond its 20 Per Cent Greenhouse Gas Reduction Target"

10:30 - 11:00 - BREAK

HE Weidong, Shanghai Academy of Social Sciences (SASS) Law Institute

"China's Environmental Legislation and its Trend towards Scientific Development"

LUO Li, Beijing Institute of Technology, Faculty of Law & Tsinghua University School of Law, Center for Environmental, Natural Resources & Energy Law (THCEREL), Beijing

"Reform of Judicial Relief System of Environmental Dispute in China"

PENG Feng, Shanghai Academy of Social Sciences (SASS) Law Institute

"The impact of the Kyoto Protocol and UNFCCC into the Chinese law and Consequent Reforms to Fight against Climate Change"

12:20 - 13:00 - ROUND TABLE : Gilles CAMPAGNOLO (Aix-Marseille University, CEPERC - Research Center for Comparative Epistemology and Ergology), Thomas DELEUIL, Paolo FARAH, Christoph GERMANN, Jean-Yves HEURTEBISE, HE Weidong, Marion LEMOINE, LUO Li, PENG Feng, Francesco SINDICO, Jakob SKOOVGARD, Valentina VADI, Flavia ZORZI GIUSTINIANI, WANG Mingyuan.

13:00 – 14:30 Lunch

14:30-16:30 - Follow-up to the conference: Internal meeting among the speakers and contributors to the forthcoming book.