

Programme

International Conference on Exclusions from Constitutional Law

International Constitutional Law

Venue: Multi-media Conference Room, School of Law, City University of Hong Kong

Tuesday, 27 October 2009

6:30pm- 8:30pm – Welcome Reception for Speakers

Wednesday, 28 October 2009

9:00am-9:30am – Registration, Multi-media Conference room (MMR), City University of Hong Kong

9:30am-10:15am – INAUGURAL SESSION

10:15am-10:30am – Tea (MMR)

10:30am-12:30pm – SESSION I: Evolution of Constitutional Protection – Citizens, Aliens and Non-State Actors

Chair: Professor Bea Verschraegen, Professor, Faculty of Law, University of Vienna & Vice-Rector for International Relations at Uninova Private University Bratislava

1) Professor Mahendra Pal Singh, Vice Chancellor, The WB National University of Juridical Sciences, Kolkata

Exclusion of Non-State Actors from the Constitution

2) Dr Danwood M Chirwa, Associate Professor and Head of Public Law Department, University of Cape Town

Transcending the State-centric Paradigm in Constitutional Theory and Practice: The South African Experience of Horizontal Application of Constitutional Rights

3) Professor Sudhir Krishnaswamy, Professor of Law, The WB National University of Juridical Sciences, Kolkata

Citizens and Aliens: Defining Constitutional Boundaries

4) Mr Joachim Stern, Lecturer, Faculty of Law, University of Vienna

Citizenship Law: Key or Lock to Constitutional Rights Protection?

5) Dr. Andreas Lehner, Senior Lecturer, Faculty of Law, University of Vienna

The Internet: Real Constitutions for a Virtual World?

12:30pm-2:00pm – Lunch

**2:00pm-4:00pm – SESSION II: Constitutional Interpretation and Adjudication –
Comparative Perspectives**

Chair: Dr Björn Ahl, Assistant Professor, School of Law, City University of Hong Kong

1) Mr Yap Po Jen, Assistant Professor, Faculty of Law, University of Hong Kong

Five Models of Comparative Reasoning

2) Mr Benny Tai, Associate Professor, Faculty of Law, University of Hong Kong

In or Out? Seeing Exclusions from Constitutional Law from the Theory of Constitutional Game

3) Professor Koji Tonami, Law School, Waseda University, Japan

Freedom from the State: Modern Development of Human Rights Thought and the Theory of Obligation of the State to Protect Human Rights in Japan

4) Dr. Surya Deva, Associate Professor, School of Law, City University of Hong Kong

The PRC Constitution: What Purpose does it (not) Serve?

4:00pm-4:15pm – Tea (MMR)

4:15pm-6:15pm – SESSION III: Treatment of Illegal Migrants, Refugees and Drug Dealers

Chair: Dr Fozia Lone, Assistant Professor, School of Law, City University of Hong Kong

1) Dr. Claudia Fuchs, Assistant Professor, Vienna University of Economics and Business
Illegal migration in the EU: How does the Irregular Status of Migrants Affect their Human Rights Protection?

2) Mr Mark Daly, Partner, Barnes & Daly, Hong Kong

Refugee Law in Hong Kong: Building the Legal Infrastructure

3) Dr Guobin Zhu, Associate Professor, School of Law, City University of Hong Kong

Out of Africa and Into China: Law and Living Situations of Africans in Guangzhou

4) Professor Michael Hor, Professor, Faculty of Law, National University of Singapore
The Politics of Norm and Exception in Singapore Criminal Due Process

6:30pm-8:30pm – Dinner for Speakers

Thursday, 29 October 2009

9:00am-11:00am – SESSION IV: Constitutional Guarantees amidst Counter-Terrorism Measures

Chair: Mr Anees Ahmed, Senior Assistant Prosecutor, Khmer Rouge Tribunal

1) Dr. Konrad Lachmayer, Senior Lecturer, Faculty of Law, University of Vienna
Constitutional and Anti-Constitutional Responses to Terrorism

2) Professor George Williams and Ms Nicola McGarrity, Research Fellow, Faculty of Law, University of New South Wales
Enacting Anti-Terror Laws in a Nation without a Bill of Rights: The Australian Experience

3) Mr Christopher Michaelson, Research Fellow, Faculty of Law, University of New South Wales
The Proportionality Principle, Counter-terrorism Laws and Human Rights: A German-Australian Comparison

4) Professor Dilip S Ukey, Professor, Department of Law, University of Pune, India
Human Rights and Anti-terrorism Laws: A Analysis of India's Response to 26/11

5) Ms Wenwen Lu, LLM Candidate, Faculty of Law, University of New South Wales
The Influence of Motive in the Definition of Terrorism on Constitutional Laws: A Comparative Study of Australia, Hong Kong, Singapore and Malaysia

11:00am-11:15am – Tea (MMR)

11:15am-1:00pm – SESSION V: Economics of Constitutional Law – Aid, Arbitration, Trade, Development and Competition

Chair: TBA

1) Professor David Kinley, Chair in Human Rights Law, Sydney Law School
The Human Rights Implications of 'New Aid'

2) Dr Rostam J Neuwirth, Assistant Professor, Faculty of Law, University of Macau
Global Constitutionalism: Ending the Chimera of the Developing-Developed Country Dichotomy

3) Professor Bea Verschraegen, Professor, Faculty of Law, University of Vienna & Vice-Rector for International Relations at Uninova Private University Bratislava
Limits on Arbitrability: A Constitutional Concern?

4) Ms Guo Hua, LLM Candidate, Faculty of Law, University of Macau
Private Rights under the Global Constitutionalism: A Perspective from Competition Law

1:00pm-2:30pm – Lunch

2:30pm-4:00pm – SESSION VI: Excluded Zones – Economic, Ethnic, and Indigenous

Chair: Justice Michael Hartmann, Justice of Appeal of the Court of Appeal, HKSAR

1) Dr. Christina Binder, Assistant Professor, Faculty of Law, University of Vienna
Protection of Human and Labour Rights in Special Economic Zones

2) Mr. Sean Brennan, Senior Lecturer, Faculty of Law, University of New South Wales
Territory Residents and Indigenous Property Holders under the Australian Constitution: In or Out?

3) Dr. Judith Schacherreiter, Lecturer, Faculty of Law, University of Vienna
The Indigenous Struggle for Autonomous Territories: The Example of Mexico and the Postcolonial Dimension of the Demand for Autonomies

4) Dr. Lin Feng, Associate Professor & Director, Centre for Chinese and Comparative Law, and Dr Wang Shucheng, Senior Research Assistant, Centre for Chinese and Comparative Law, City University of Hong Kong
Exclusion from Constitutional Law in China: A Case Study of Riot Incidents in Xinjiang Uygur Autonomous Region

4:00pm-4:15pm – Tea (MMR)

4:15pm-5:30pm – SESSION VII: Miscellaneous Exclusions

Chair: Ms Sou Chiam, Deputy Principal Government Counsel and Secretary to Working Group on Mediation, Department of Justice, HKSAR

1) Dr. Elisabeth Hödl, Lecturer, Faculty of Law, University of Graz
Ubiquitous Computing and Areas in the Constitutional Law Beyond or Outside the Law

2) Professor Liu Zhi-gang, Professor, Law School, Fudan University
The Constitutional Rights under the Special Power Nexus

3) Dr. Li Xiaobing, Associate Professor, School of Law, Nankai University
Political Questions and Judicial Review: Activism or Self-Restraint

5:30pm-6:15pm – Launch of City University of Hong Kong Law Review

6:30pm-8:30pm – City University of Hong Kong Launch Dinner