

## International Conference on *Exclusions from Constitutional Law*

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

**Dates:** 28-29 October 2009

### PROGRAMME (*Draft: 28 September 2009*)

#### 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. Iris Eisenberger**, Senior Lecturer, Faculty of Law, University of Vienna  
*The Governance of Risk and Innovation through Non-State Actors*

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 Michaelsen**, 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