

International Conference
on
Exclusions from Constitutional Law

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City University of Hong Kong

BIOGRAPHICAL DETAILS OF SPEAKERS

(in order of conference sessions)

Session I

Professor Mahendra Pal Singh, BA, LLB (Agra), LLM (Columbia), LLM, LLD (Lucknow), is currently the Vice-chancellor of the West Bengal National University of Juridical Sciences, Kolkata. Earlier he taught at the University of Delhi from 1970 to 2005 where he was also Head and Dean Faculty of Law from 1994 to 1997. He has been a fellow and visiting professor at several institutions and universities such as the University of Heidelberg; Max Planck Institute for Comparative Public Law and International Law, Heidelberg; University of Hong Kong; City University of Hong Kong; Kansai University, Osaka; National University of Singapore; and the Institute for Advanced Studies, Berlin. In 2008 Renmin University of China, Beijing honoured him as Visiting Professor for three years.

He has delivered prestigious endowment and other lectures at several universities and academic institutions in India and abroad. His publications include over one hundred papers in different legal journals and edited works and ten books including *German Administrative Law in Common Law Perspective*; *Freedom of Trade and Commerce in India*; *Comparative Constitutional Law*; *Shukla's Constitution of India*; *Legal Dimensions of Market Economy*; and *Human Rights and Basic Needs*. Comparative public law especially constitutional law, administrative law, human rights and legal systems are his major interests.

Dr Danwood Mzikenge Chirwa is Head of the Public Law Department at the University of Cape Town, where he is also an Associate Professor and a fellow (young scholar category). He lectures in administrative law, international human rights, aspects of constitutional law, and children's rights. He has published widely on human rights especially economic and social rights. He was a Director of the Open Democracy and Advice Centre between 2006 and 2009 and Secretary-General of the African Network of Constitutional Lawyers between 2007 and 2008. He is a contributing editor to the *South African Journal of Criminal Justice*, an editor of the *ESR Review* (since 2002), and founder and Editor-in-Chief of the *Malawi Law Journal*. He also serves on the Advisory Boards of *Constitutional Court Review*, and *City of Hong Kong University Law Review*.

Professor Sudhir Krishnaswamy – TBA.

Mr Joachim Stern, born 1979, studied law at the universities of Vienna (Magister iuris 2005), Stockholm and Paris V (Maîtrise en droit européen et international 2003). He worked as researcher in a comparative project about Ombudsman Institutions in Europe, conducted by the International Ombudsman Institute and the Austrian Board of Ombudsman in cooperation with the University of Vienna from 2005 to 2006. Currently, he holds a position as lecturer and researcher at the department of constitutional and administrative law of the University of Vienna. His main fields of research include comparative constitutional law and migration law regimes. Currently, he concludes his PhD thesis about the changing nature and legitimacy of citizenship law.

Dr Iris Eisenberger is senior lecturer and post-doc researcher in the Department of Constitutional and Administrative Law at the University of Vienna. She holds a Schrödinger fellowship from the Austrian Science Fund. She was a visiting scholar at the European University

Institute in Florence and a fellow at the Science, Technology and Society Programme at Harvard University and is currently a visiting fellow at the law faculty at the University of Freiburg. She holds a M.Sc. in political theory and received her Dr. Juris from the University of Graz.

Session II

Mr Po Jen Yap [(LLB(Singapore), LLM(Harvard), LLM(London))] is an Assistant Professor at the University of Hong Kong. His recent publications include “Understanding Public Interest Litigation in Hong Kong”, (2008) 37 *Common Law World Review* 257; “Enlisting Close Connections: A Matter of Course for Vicarious Liability?”, (2008) 28 *Legal Studies* 197; “Interpreting the Basic Law and the Adjudication of Politically Sensitive Questions”, (2007) 6 *Chinese Journal of International Law* 543; “10 Years of the Basic Law: The Rise, Retreat and Resurgence of Judicial Power in Hong Kong”, (2007) 36 *Common Law World Review* 166 and “Rethinking Constitutional Review in America and the Commonwealth: Judicial Protection of Human Rights in the Common Law World”, (2006) 35 *Georgia Journal of International and Comparative Law* 99.

Mr Benny Y T TAI (戴耀廷) was born and educated in Hong Kong. He graduated at the University of Hong Kong and got his LL.B. in 1986 and P.C.LL in 1987. He then joined the Department of Law of the Citypolytechnic of Hong Kong as an assistant lecturer. In 1989, he went to London to study at the London School of Economics and Political Science and got his LL.M. (major in public law) in 1990. In 1991, he joined the Department of Law of the University of Hong Kong as a lecturer/assistant professor and is now an associate professor in Law at the University of Hong Kong. He specializes in constitutional law, administrative law, human rights law and law and religion. He was the Associate Dean of the Faculty of Law, University of Hong Kong from 2000 to 2008.

His major publications include: (Co-author: Kevin Yam) "The advent of substantive legitimate expectations in Hong Kong: two competing visions" [2002] *Public Law* 688-702; "The Principle of Minimum Legislation for Implementing Article 23 of the Basic Law" (2002) 32 *HKLJ* 579-614; “Developing an Index of the Rule of Law: Sharing the Experience of Hong Kong” (2007) 2 *Asian Journal of Comparative Law* 89-109 “Models of Interaction between Law and Religion: An Overview” (2007) 7 *Pacific Journal* 50-63 “Basic Law, Basic Politics: The Constitutional Game of Hong Kong” (2007) 37 *HKLJ* 503-578.

His current research projects include developing an index of rule of law, a theory on constitutional interpretation and constitutional practices, governance and law, law and religion.

Professor Koji Tonami – TBA.

Dr Surya Deva is Associate Professor and the LLB Programme Leader at the School of Law, City University of Hong Kong. He, who holds BA (Hons.), LLB and LLM degrees from the University of Delhi and a PhD from the University of Sydney, has taught previously at the Faculty of Law, University of Delhi and at the National Law Institute University, Bhopal. His primary research interests lie in Corporate Social Responsibility, Indo-Chinese Constitutional Law, International Human Rights, Globalisation, and Sustainable Development. Dr Deva has

published widely in the these areas, including in reputed journals such as the *Civil Justice Quarterly*, *George Washington International Law Review*, *Buffalo Human Rights Law Review*, *Connecticut Journal of International Law*, *Melbourne Journal of International Law*, *Singapore Journal of Legal Studies*, *Georgetown International Environmental Law Review*, and the *German Yearbook of Public Law*. Recently, the International Commission of Jurists invited him to prepare a report on “Corporate Abuse and Human Rights: Access to Justice in the Peoples’ Republic of China.”

Session III

Dr Claudia Fuchs is Assistant Professor in the Department of Public Law and Tax Law at the Vienna University of Economics and Business. She conducted an internship at the European Commission (Brussels) in the area of Internal Market and Services and worked as scientific assistant at the Austrian Constitutional Court. She studied Law in Vienna, where she also received her Dr. Juris, and holds an LL.M. in European Law.

Mr Mark Daly obtained a Bachelor of Science degree in Cellular, Molecular and Microbial Biology from the University of Calgary in 1986. He then completed a law degree from Osgoode Hall Law School in Toronto in 1992 and was admitted as a barrister and solicitor in Ontario, Canada. He was subsequently admitted as a solicitor in Hong Kong and England and Wales and has a Master of Laws in Human Rights from the University of Hong Kong.

Working in Hong Kong since 1995, Mark has concentrated on human rights and refugee issues. He previously worked with Pam Baker and Company on judicial review and habeas corpus cases and on Vietnamese refugee cases. In addition to refugee cases he has since conducted a substantial number of judicial review cases in the High Court, Court of Appeal and Court of Final Appeal, including a number of the landmark Basic Law constitutional cases on the “Right of Abode”. Recent significant cases include the Court of Final Appeal case of *Prem Singh v Director of Immigration* (FACV 7 of 2002, Judgment 11 February 2003—resident rights for persons not of Chinese nationality) and the Court of Final Appeal case of *Sakthevel Prabakar v Secretary for Security* (FACV 16 of 2003, Judgment 8th June 2004) involving the question of refugees and the Convention Against Torture “CAT”. Success in the recent case of *FB & Ors v Director of Immigration & Anor* (HCAL 51/2007, Judgment 5th December 2008) has been the impetus for the unprecedented “Joint Position Paper by the Law Society of Hong Kong and the Hong Kong Bar Association on the Framework for Convention Against Torture (“CAT”) Claimants and Asylum Seekers”, 31st March 2009.

As Amnesty International’s representative he has attended, as international legal observer, the trial in Kuala Lumpur, Malaysia, of former Deputy Prime Minister Anwar Ibrahim and the appeal of opposition politician, Lim Guan Eng. In May 2000 & November 2008, he represented the Hong Kong Human Rights Monitor before the United Nations Committee Against Torture in Geneva.

Mark is an original member of the Article 23 (opposed to proposed security legislation) and Article 45 (democracy) Concern Groups and his firm was the winner of the Asian Legal Business “Pro Bono Law Firm of the Year”. He is also a member of the Law Society’s Constitutional Affairs Committee and the Working Party on Special Advocates and was a speaker at the 2005 & 2009 Commonwealth Law Conferences and the 2007 Southern Refugee Advocates Conference in Nairobi, Kenya on refugee issues. Mark also lectured on the legal position of asylum seekers

in Hong Kong at the University of Hong Kong's 1st "Intensive Course on International Refugee Law" in 2006.

ZHU Guobin, Dr. 朱國斌 博士 is the Associate Professor, School of Law, City University of Hong Kong; BA, MA, LL M (RenminU of China, Beijing), LL M (Hong Kong University), PhD and HDR (Diplôme d'Habilitation à Diriger des Recherches) (University of Aix-Marseille, France); Visiting Scholar, Harvard Law School; Guest / Adjunct Professor, or Research Fellow at several leading Chinese law schools; Extensively published, in English, Chinese and French, in the fields of: Chinese and comparative constitutional and administrative law, Hong Kong Basic Law, public administration, and human rights in HK and China;

Dr Michael Hor is Professor at the Faculty of Law, National University of Singapore where he teaches and researches in criminal law, criminal evidence, criminal procedure and criminal due process. He is a member of the Editorial Board of the Asian Journal of Comparative Law and Advisor to the Centre for Comparative and Public Law at the University of Hong Kong.

Session IV

Dr Konrad Lachmayer is senior lecturer and post-doc researcher in the Department of Constitutional and Administrative Law at the University of Vienna. He was faculty visitor at the University of Cambridge, Faculty of Law (Wolfson College) and Humboldt scholar at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. Konrad Lachmayer studied law in Vienna (LL.M.), where he also received his Dr. Juris magna cum laude.

Ms Nicola McGarrity is the Director of the Terrorism and Law Project at the Gilbert + Tobin Centre of Public Law, University of New South Wales. Nicola's research interests include constitutional law, human rights law and legal responses to terrorism. She has published widely in academic journals regarding Australia's counter-terrorism laws, as well as writing opinion pieces for the hard copy and electronic media and making submissions to parliamentary inquiries.

In 2005, Nicola worked as the Associate to Justice Tamberlin in the Federal Court of Australia. She also practised for several years at the New South Wales Bar – appearing in the April 2009 case of *Qarase v Bainimarama* in the Fiji Court of Appeal – and has lectured at Macquarie University, the University of Sydney and the University of New South Wales in a range of legal subjects.

Professor George Williams is the Anthony Mason Professor of law and Foundation Director of the Gilbert + Tobin Centre of Public Law at the Faculty of Law, University of New South Wales. He is also an Australian Research Council Laureate Fellow and has held visiting positions at Osgoode Hall Law School in Toronto, Columbia University Law School in New York and University College London.

He has written and edited 22 books, including *A Charter of Rights for Australia*, *Australian Constitutional Law and Theory* and *The Oxford Companion to the High Court of Australia*. He practises as a barrister and has appeared in the High Court of Australia in a number of cases, as well as in the Supreme Court of Fiji. In 2005 he chaired the Victorian Human Rights

Consultation Committee that led to the enactment of the Victorian Charter of Human Rights and Responsibilities, Australia's first State Bill of Rights.

Mr Christopher Michaelsen is a Research Fellow at the Faculty of Law of the University of New South Wales in Sydney. He teaches and specialises in human rights, public international law and international security. Before joining UNSW, he served as a Human Rights Officer (Anti-Terrorism) at the OSCE Office for Democratic Institutions and Human Rights in Warsaw, Poland. He has previously worked for the United Nations Department for Disarmament Affairs in New York, and at the Strategic & Defence Studies Centre of the Australian National University in Canberra. He has also served as a consultant for the Asian Law Group in Semarang, Indonesia, and for the Center for Global Counter-Terrorism Cooperation in New York. Chris graduated in law from Hamburg University, holds a LL.M degree from the University of Queensland and recently submitted an interdisciplinary PhD-thesis at the ANU.

Dr. Dilip Ukey is Professor at the department of Law, University of Pune, India. He has done his masters in political science, public administration and Law. In LL.M. he had opted for specialisation in constitutional and administrative laws and stood 2nd in merit in the University. He has pursued his Ph.D. research in the area of Secularism and compared it, with that of US and other countries.

After joining the department of law, Pune University, he continued his thrust of research and went on publishing research papers in various journals having national and international repute. His areas of research and publications are judicial activism, right to compensation, tortious liability, right to information, human rights, and right to health. Prof Ukey, who has a teaching experience of 18 years, has finished a book titled "Jurisprudence Of Legal theory", which is about to be published.

Prof Ukey was awarded a fellowship in 2003 to visit France to conduct research in the area of administrative adjudication and administrative discretion. He has also participated in international and national conferences held on various themes. Prof Ukey has also delivered several lectures and conducted training sessions in various universities and institutes. He has been also honoured by other universities and institutes while nominating him on various academic and administrative bodies

Ms Wenwen Lu is a Master by Research candidate in the Faculty of Law, University of New South Wales. She previously studied in City University of Hong Kong, where she obtained her LL.M degree in 2008.

Wenwen is now working on her thesis – Re-thinking the Definition of Terrorism and Preventative Detention Scheme: A Comparative Study of Australia, Hong Kong, Singapore and Malaysia under the supervision of Andrew Byrnes and Andrew Lynch. Part of the presented thesis relates to the definition chapter of her research thesis.

Session V

Professor David Kinley holds the inaugural Chair in Human Rights Law at University of Sydney. He has previously held positions at Cambridge University, The Australian National

University, the University of New South Wales, Washington College of Law, American University, and most recently was the founding Director of the Castan Centre for Human Rights Law at Monash University (2000-2005). He was a Senior Fulbright Scholar in 2004, based in Washington DC, and Herbert Smith Visiting Fellow at the Faculty of Law, University of Cambridge during the first half of 2008. He has written or edited eight books and more than 60 articles, book chapters, reports and papers.

He has also worked for 15 years as a consultant and adviser on international and domestic human rights law in Vietnam, Indonesia, Bangladesh, Thailand, Iraq, Nepal, Laos, China, and Myanmar/Burma, and for a number of organisations including the UN High Commissioner for Human Rights, the World Bank, the Ford Foundation, AusAID, and the Asia Pacific Forum of National Human Rights Institutions, and a number of transnational corporations, and NGOs. He has also previously worked for three years with the Australian Law Reform Commission and two years with the Australian Human Rights and Equal Opportunity Commission.

He has three books coming out in 2009 – an edited collection entitled *Corporations and Human Rights*, published in February by Ashgate in its International Library of Essays series; a monograph entitled *Civilising Globalisation: Human Rights and the Global Economy*, published by Cambridge University Press in August; and a jointly edited collection of essays entitled *Human Rights and the World Trade Organisation: Interdisciplinary Perspectives*, being published by Edward Elgar in November.

He was born in Belfast, Northern Ireland, brought up there during the 1960s and 70s, and studied in England in the 1980s at the Universities of Sheffield and Cambridge. After obtaining his doctorate from the latter in 1990 he moved to Australia. He now lives in Sydney with his wife and three children.

Rostam J Neuwirth is Assistant Professor at the Faculty of Law of the University of Macau. He received his Ph.D. from the European University Institute in Florence (Italy) and holds a Master's degree from McGill University in Montreal (Canada). He was a visiting Professor at National University of Juridical Sciences in Kolkata (India) and at Hidayatullah National Law University in Raipur (India). Before that he worked as a legal expert in the European Law Unit of the International Law Bureau of the Austrian Federal Ministry for Foreign Affairs in Vienna (Austria) in connection with the Austrian Presidency in the European Union in 2006.

Dr. Bea Verschraegen, LL.M., E.M.M. is full professor at the Law Faculty of the University of Vienna and Professor and Vice-Rector for International Relations at Uninova Private University Bratislavaat. She is head of the Austrian Section of the International Academy of Comparative Law. Her main fields of research are Private International Law, Comparative Law, European Integration and Civil Law. For further details see <http://homepage.univie.ac.at/bea.verschraegen/>

Guo Hua is a Master student majored in International Business law at the Faculty of Law of the University of Macau. She received her Bachelor's degree of law from Renmin University of China in Beijing. And she is now a Teaching and Research Assistant in the International Business law Program of the University of Macau.

Session VI

Dr Christina Binder is Assistant Professor in the Department of European, International and Comparative Law at the University of Vienna. She holds an APART scholarship from the Austrian Academy of Sciences. She was a visiting scholar at the Lauterpacht Centre for International Law in Cambridge and is currently a visiting fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. She holds an E.MA in human rights and democratization and received her Dr. Juris from the University of Innsbruck.

Mr Sean Brennan teaches and researches in constitutional law and indigenous legal issues at the Faculty of Law, University of New South Wales, Sydney, Australia. He is a Senior Lecturer and Director of the Indigenous Legal Issues Project at the Gilbert+Tobin Centre of Public Law.

Dr Judith Schacherreiter is lecturer and researcher at the Department of Comparative, Uniform and Private International Law of the University of Vienna. Her main fields of research are land law, law in colonial and postcolonial relationships, in particular Mexican law, legal transplants and private international law. She is currently working on land distribution and land conflicts in Mexico, has been a visiting researcher at the University of Oaxaca (Mexico) several times and will stay in Mexico (Oaxaca, Mexico City, Chiapas) with a Scholarship of the Austrian Science Fund next year. She studied law in Austria (Linz, Vienna) and worked in a law firm for three years before she started to work as a researcher at the University of Vienna.

Dr LIN Feng, LLB (Fudan University), LLM (Victoria University of Wellington), PhD (Peking University), Associate Professor, School of Law, City University of Hong Kong, Director of Centre for Chinese and Comparative Law, City University of Hong Kong, Barrister (HKSAR).

Dr Peter S C WANG, Ph.D (Renmin University of China), Senior Research Assistant, Centre for Chinese and Comparative Law, City University of Hong Kong.

Session VII

Ms Elisabeth Hödl is a scientific assistant at the law firm Eisenberger&Herzog in Graz and a lecturer in the Department of Philosophy of Law, Sociology of Law and Legal Informatics at the University of Graz. She specialises in public law and IT law. She received her legal education at the University of Graz. She was a visiting researcher at the Université d'Auvergne in Clermont-Ferrand and at the London School of Economics and Political Science. She was an assistant to Reinhard Rack, Member of the European Parliament in Brussels. From 1998 to 2001 she worked as a lecture and researcher at the Department of Public Law and Political Science at the University of Graz.

Professor Liu Zhigang graduated from Renmin University ,where I got the LLM degree in 1999 and the PH.D degree in 2002. During the study in Renmin University, My mentor is Professor Han Dayuan, a famous professor in Chinese legal. I went to Wuhan University to carry through My post-doctorial research in 2002 after I graduated from Renmin University. Under the supervision of Professor Zhou Yezhong, who is also a famous constitution professor in china, I

carried on highly effective research working on Chinese Constitution. In 2004, I finished my research project in Wuhan University, and accepted the invitation of Law School of Fudan University and became an associate professor. From then on, I have been working in Fudan University.

Dr Li Xiaobing, Dr. Jur., Associated Professor of Law School of Nankai University, Director of Chinese Association of European Law, graduated from CUPSL and RUC, participated in the round-table conference of International Association of Constitutional Law (2002,Beijing), participated in the EU-China Human Rights Network and internshipped in Irish Centre for Human Rights (Galway,2003) , participated in the program of *Droit européen* and as a visiting scholar in the Law School of the University of Paris I(2005). Main researching area: Constitutional Law, Comparative Law, Human Right Law.