

CPLR E-Newsletter

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Public Law and Human Rights Forum, School of Law, City University of Hong Kong

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Public Law and
Human Rights Forum

香港城市大學
City University of Hong Kong

Welcome to the second issue of the CPLR E-Newsletter, keeping you up to date with our latest news and upcoming events. Amid the COVID-19 pandemic, the CPLR has endeavoured to ensure that research continues as planned, moving face-to-face events online. The Newsletter will be published on a half-yearly basis. We hope you enjoy reading our Newsletter and staying in touch with us.

Highlights of Events (January – June 2021)

Public Law and Human Rights Book Review Seminar Series (2) – Handbook on Human Rights in China (Edward Elgar Publishing, 2019), Sarah Biddulph and Joshua Rosenzweig (eds)
2 June 2021

(in collaboration with the Asia Pacific Law Review (APLR), School of Law, CityU)

Moderator: Dr. Daniel Pascoe, Core Member of CPLR, School of Law, CityU

Attending Editor: Prof. Sarah Biddulph, Director of Asian Law Centre, Melbourne Law School, University of Melbourne

Reviewer: Prof. Thomas Kellogg, Executive Director of the Center for Asian Law, Georgetown Law, Georgetown University

This was the second seminar of the “Public Law and Human Rights Book Review Series” co-organised by the CPLR and the APLR aiming at publicising new books in the fields of Public Law and Human Rights, facilitating the scholarly exchange ideas, and promoting the activities of CPLR and APLR to a broader audience. It attracted over 60 registrants.



Prof. Sarah Biddulph introduced the *Handbook on Human Rights in China* as an editor. The Handbook provides an important analysis of rights in China in comparison to international standards and China’s international engagements concerning human rights. It examines a comprehensive range of human rights (e.g., the rise of the Internet and LGBTQ rights) in China. **Prof. Thomas Kellogg** was in the view that the book does an excellent job of demonstrating the key human rights issues in the Chinese context and offering analytical insights into China’s theoretical approach to human rights.

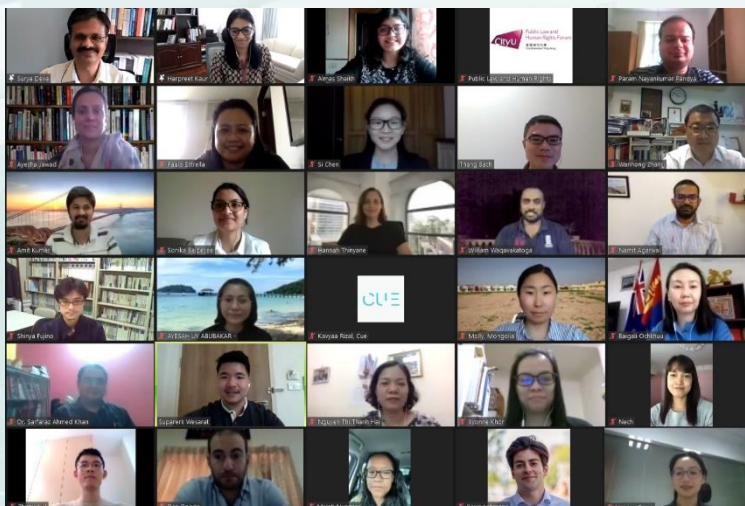
Virtual Workshop on the Role of Scholars in Promoting Business and Human Rights Law and Policy Reforms in Asia

26 – 28 April 2021

(jointly held with the World Benchmarking Alliance (WBA), the United Nations Development Programme (UNDP), and the Human Rights and Business Academy (HURBA))

Coordinators: *Dr. Surya Deva*, Associate Director of CPLR, School of Law, CityU; and Founder of HURBA;
Mr. Namit Agarwal, Asia Policy Lead, WBA;
Dr. Harpreet Kuar, Business & Human Rights Specialist, UNDP

Where inadequate evidence-based research and scholarship in Asia is undermining the effective implementation of international standards on business and human rights (BHR), the CPLR, the WBA, the UNDP and the HURBA co-organised a three-day virtual workshop on fostering the role of scholars in BHR reforms in Asia. This workshop consisted of 9 sessions, and 26 scholars from 14 Asia jurisdictions (e.g., China, Malaysia, Japan, and India) participated in it. A total of 15 international scholars and experts were invited to facilitate the sessions, including (in no particular order) **Dr. Surya Deva** from CityU; **Prof. Justine Nolan** from University of New South Wales, **Dr. Bonita Meyersfeld** from University of Witwatersrand; **Mr. Livio Sarandrea** and **Dr. Harpreet Kaur** from UNDP; **Ms. Sandhya Drew** from City, University of London; **Ms. Sudarshana Kundu** from Gender at Work Global; **Ms. Bharti Birla** from International Labour Organisation; **Prof. Erika George** from University of Utah; **Dr. Tara Van Ho** from University of Essex; **Mr. Anirudha Nagar** from Accountability Counsel; **Mr. Namit Agarwal** and **Mr. Pratik Desai** from WBA; **Ms. Betty Yolanda** from Business & Human Rights Resource Centre; and **Dr. Shelley Marshall** from RMIT University. Overall, participants enjoyed the workshop and found it very informative and useful.



Please click here ([Eng/Chi](#)) for a recap of the online workshop.

The 10th Hong Kong Human Rights Moot 2021

6 February 2021 (Preliminary Round); 27 March 2021 (Final Round)

(jointly held with the Vidler & Co. Solicitors)

Coordinators: *Dr. Mark Kielsingard*, Associate Director of the CPLR, School of Law, CityU;
Mr. Michael Vidler, Senior Partner, Vidler & Co. Solicitors

The 10th Hong Kong Human Rights Moot (HKHR Moot) was an inter-university competition co-organised by the CPLR and Vidler & Co. Solicitors and co-hosted by the University of Hong Kong (HKU) and the Chinese University of Hong Kong (CUHK). A total of 89 teams involving 178 law students signed up for the competition. The three finalist teams were selected to represent their law schools



(i.e., CityU, University of Hong Kong, and Chinese University of Hong Kong) following the (internal) Preliminary Rounds on 6 February 2021.



With the social distancing rules, the Final Round was held on 27 March 2021 at the CityU Moot Court without live audiences and was live-streamed on Zoom. The finalists appeared before a distinguished judging panel comprised of **Mr. Justice Kevin Zervos JA**, **Mr. Abraham Chan SC** of Temple Chambers and **Mr. Timothy Parker** of Denis Chang's Chambers. They argued three fictional appeals involving topical human rights issues relevant to Hong Kong. The CityU team of Marcus Wong and Garnet Li won the "Best Skeleton Argument Award" under the mentorship of **Dr. Mark Kielsingard**.

Please click here ([Eng/Chi](#)) for a recap of the online workshop.

Public Law and Human Rights Book Review Seminar Series (1) – Paths of Justice (Hong Kong University Press 2018), Johannes M. M. Chan

11 March 2021

(jointly held with the APLR)

Moderator: *Dr. Daniel Pascoe*, Core Member of CPLR, School of Law, CityU

Author: *Prof. Johannes Chan SC*, Faculty of Law, University of Hong Kong

Reviewer: *Dr. Cheng Jie*, Peter A. Allard School of Law, University of British Columbia

In *Paths of Justice*, **Prof. Johannes Chan SC** illuminates fundamental themes and basic values in Hong Kong's legal system based on his own experiences. Through the description of real-life court cases,



he gives readers not only a better understanding of how Hong Kong's legal system works in practice, but also the essential tools to think deeply about legal institutions, the legal profession, the role of justice in a modern society, and the importance of the rule of law. The Chinese version will be coming soon. **Dr. Cheng Jie** believed that the book is a must-read for those who want to get an insider's view of Hong Kong's constitutional development over the past 20 years.

International Online Symposium on Sino-Indian Border Disputes: A Dialogue between International Law and International Relations

4 March 2021

(jointly held with the Centre for Chinese and Comparative Law (CCCL), School of Law, CityU)

Moderators: *Prof. Wang Jianguy*, Director of CCCL, School of Law, CityU;

Dr. Massimo Lando, Core Member of CPLR, School of Law, CityU;

Dr. Stephenson Chow, Core Member of CPLR, School of Law, CityU;

Dr. Fozia Nazir Lone, Core Member of CPLR, School of Law, CityU

The CPLR, in collaboration with the CCCL, organised a symposium on the Sino-Indian Border Dispute (SIBD) from the perspectives of international law and relations. A total of 17 international scholars and experts

were invited to discuss issues concerning the development of Sino-Indian relations and SIBD from geographical, historical, political and international law perspectives; the relevance and impacts of Britain's colonialism and the "Tibetan Issue" on Sino-Indian relations and SIBD; the limits of international law and other non-legal factors which have been hindering the solution of the SIBD, etc. Key speakers included (in no particular order) **Prof. Wang Jiangyu** and **Dr. Fozia Nazir Lone** from CityU; **Prof. Jacques deLisle** from University of Pennsylvania; **Mr. J r my Andr ** from Correspondent Asie; **Dr. Lin Minwang** from Fudan University; **Dr. Wu Zhe** from Academia Sinica; **Prof. Deng Lie** from Huazhong University of Science and Technology; **Mr. Wang Chenyu** from Utrecht University; **Prof. Long Xingchun** from Sichuan International Studies University; **Prof. Anuradha M Chenoy** (retired) from Jawaharlal Nehru University; **Dr. Zhu Feng** from Nanjing University; **Dr. Jabin T. Jacob** from Shiv Nadar University; **Prof. M Sornarajah** from National University of Singapore; **Capt. (Retd) Tian Shichen** from Center for International Law of Military Operations; and **Prof. Antony Carty** from Beijing Institute of Technology.



Please click here ([Eng/Chi](#)) for a recap of the online symposium.

Roundtable Series on National Security Law (V) — Hong Kong's National Security Law: Procedural and Sentencing Implications

25 February 2021

Moderator: *Dr. Daniel Pascoe, Core Member of CPLR, School of Law, CityU*

Panellists: *Prof. Vivienne Bath, Sydney Law school, University of Sydney;*

Prof. Michael C. Davis, Global Fellow, Woodrow Wilson International Center for Scholars;

Mr. Denis Edwards, Barrister and Mediator, Normanton Chambers;

Mr. Paul Harris SC, Barrister, Denis Chang's Chambers, and Chairman of the Hong Kong Bar Association;

Prof. Simon N. M. Young, Barrister, Parkside Chambers, and Associate Dean (Research) of Faculty of Law, University of Hong Kong



Following the enactment of Hong Kong's National Security Law (NSL) on 30 June 2020, the CPLR has organised the Roundtable Series on the NSL to discuss its academic implications. This third webinar as part of the Series aimed at clarifying the NSL's implications

for criminal practice in the near future, which attracted over 60 attendees. The five panellists provided a critical reflection on prosecutors' decision on which courts to try NSL cases in; the power to exclude juries from Court of First Instance trials in NSL cases; the selection of magistrates and judges to hear NSL offences; the ongoing impact of the *Tong Ying-kit* decision on bail for NSL offences; the impact of mandatory minimum punishments on sentencing in NSL cases; and which types of cases might result in the assertion of jurisdiction by mainland courts, via the Office for Safeguarding National Security.

Please click here ([Eng/Chi](#)) for a recap of the webinar.

Virtual Workshop on the Role of Scholars in Shaping Business and Human Rights Law and Policy Reforms in Asia

3, 4 & 9 February 2021

(jointly held with the Business and Human Rights Centre (BHRIGHT), RMIT University)

Facilitators: *Dr. Surya Deva*, Associate Director of CPLR, School of Law, CityU;
Dr. Shelley Marshall, Director of BHRIGHT, RMIT University;
Ms. Daisy Gardener, Managing Director of BHRIGHT, RMIT University

The three-day workshop, jointly organised by the CPLR and the BHRIGHT, provided an international learning platform for 25 doctoral scholars from Asia-Oceania in the fields of business ethics, business and human rights, corporate accountability and sustainable enterprises. Ten speakers were invited to share their expertise and experiences with the participants, including (in no particular order) **Dr. Surya Deva** from CityU; **Dr. Shelley Marshall** from RMIT University; **Dr. Usha Ramanathan** (Independent Lawyer and Legal Researcher); **Dr. Andy Hall** (Human Rights Defender and Migrant Worker Rights Specialist); **Ms. Poonsap Tulaphan** from HomeNet Thailand; **Dr. Fiona McGaughey** from University of Western Australia; **Prof. Justine Nolan** and **Dr. James Fitzgerald** from University of New South Wales; **Ms. Kalpona Akter** from Bangladesh Centre for Worker Solidarity; and **Dr. Kate Macdonald** from University of Melbourne. To foster networking and collaboration among peers, the participating scholars were also invited to present their ongoing research projects with each other and received constructive feedback from selected experts. Commentators included (in no particular order) **Prof. Vasanthi Srinivasan** from Indian Institutes of Management; **Dr. Joanna Kyriakakis** from Monash University; **Prof. Fiona Haines** from University of Melbourne; **Prof. Alan Lowe**, **Dr. Kate Grosser** and **Dr. Jonathan Kolieb** from RMIT University; **Prof. Sang Soo Lee** from Sogang University; **Dr. Surya Deva** from CityU; and **Prof. Jolyon Ford** from Australian National University.



Please click here ([Eng/Chi](#)) for a recap of the virtual workshop.

Publications (January – June 2021)

Prof. Guobin Zhu

- Guobin Zhu, Mark Kielsingard and Surya Deva (eds), *Constitutional Law and Human Rights in Hong Kong: A Sourcebook* (City University Press, 2021 forthcoming).
- Guobin Zhu, 'Deference to the Administration in Judicial Review: Comparative Perspectives', in Katharina Boele-Woelki, Diego P. Fernandez Arroyo and Alexandre Senegacnik (eds), *General Reports of the XXth General Congress of the International Academy of Comparative Law – Rapports Généraux du XXème Congrès Général de l'Académie Internationale de Droit Comparé* (Springer, 2021) 577-588.

Dr. Surya Deva

- Guobin Zhu, Mark Kielsingard and Surya Deva (eds), *Constitutional Law and Human Rights in Hong Kong: A Sourcebook* (City University Press, 2021 forthcoming).
- Surya Deva, 'Investors' International Law: Beyond the Present' in Jean Ho and Mavluda Sattorova (eds), *Investors' International Law* (Hart Publishing, 2021).
- Surya Deva, 'Business and Human Rights: Alternative Approaches to Transnational Regulation' (2021) *17 Annual Review of Law and Social Science* (forthcoming).
- Surya Deva, 'International Investment Agreements and Human Rights: Assessing the Role of the UN's Business and Human Rights Regulatory Initiatives' in Julien Chaisse, Leïla Choukroune and Sufian Jusoh (eds), *Handbook of International Investment Law and Policy* (Springer, 2021) 1-26.
- Surya Deva, 'The UN Guiding Principles on Business and Human Rights and Its Predecessors: Progress at a Snail's Pace?' in Ilias Bantekas and Michael Ashley Stein (eds), *Cambridge Companion to Business and Human Rights Law* (Cambridge University Press, 2021 forthcoming).
- Surya Deva, "'The UN Guiding Principles' Orbit and Other Regulatory Regimes in the Business and Human Rights Universe: Managing the Interface" (2021) 6(2) *Business and Human Rights Journal*, 336-351.

Dr. Mark Kielsingard

- Guobin Zhu, Mark Kielsingard and Surya Deva (eds), *Constitutional Law and Human Rights in Hong Kong: A Sourcebook* (City University Press, 2021 forthcoming).
- Mark Kielsingard, 'A Comparative Analysis of the Criminal Exclusionary Rule of the Peoples Republic of China with the United Kingdom' (2021) *Asian-Pacific Law and Policy Journal* (forthcoming).
- Mark Kielsingard, 'Emerging Judicial Autonomy and Procedural Due Process in the PRC? An Empirical Study of China's Exclusionary Rule', (2021) *Asia Pacific Law Review* (forthcoming).
- Mark Kielsingard, 'Models of Human Rights and Counter-Terrorism: Disabling the Terror Franchise in Southern Thailand', (2021) *University of Pennsylvania Asian Law Review* (forthcoming).

Dr. Pok Yin Stephenson Chow

- Pok Yin Stephenson Chow, 'Cultural rights', in Christina Binder, Manfred Nowak, Jane A. Hofbauer and Philipp Janig (eds), *Elgar Encyclopedia of Human Rights* (Edward Elgar Publishing, forthcoming).
- Pok Yin Stephenson Chow, 'International Court of Justice and Ethnic Conflicts: Challenges and Opportunities' (2021) 56 *Texas International Law Journal* (forthcoming).
- Pok Yin Stephenson Chow, 'On Obligations Erga Omnes Partes' (2021) 52(2) *Georgetown Journal of International Law* (forthcoming).

Dr. Massimo Lando

- Massimo Lando and Nilufer Oral, 'Jurisdictional Challenges and Institutional Novelty: Procedural Developments in Law of the Sea Dispute Settlement in 2020' (2021) 20(1) *The Law and Practice of International Courts and Tribunals*, 191-221.

Dr. Fozia Nazir Lone

- Fozia Nazir Lone, 'Evaluating Merits of the Water-Energy-Food Nexus Towards Achieving Long-term Peace and Security: A Critical Review' in Zafar Adeel and Benno Böer (eds), *Water Security in a New World Securing Water, Energy, and Food in Central and South Asia*, (Springer, 2020/21 forthcoming).
- Fozia Nazir Lone, 'International Law and the Kashmir Dispute', in Haley Duschinski, Mona Bhan, Cabeiri Robinson (eds) *Palgrave Handbook of New Directions in Kashmir Studies* (Palgrave Macmillan Publishing, 2021 forthcoming).
- Fozia Nazir Lone, 'Revisiting the New Haven Methodology from an International Law and Policy Perspective' in Rossana Deplano and Nicholas Tsagourias (eds), *Research Methods in International Law: A Handbook* (Edward Elgar Publishing, 2021).

Dr. Daniel Pascoe

- Daniel Pascoe and Sangmin Bae, 'Co-Sponsorship, Note Verbale, and Association Behaviour at the UNGA: An Analysis of the Death Penalty Moratorium Resolutions' (2021) *The International Journal of Human Rights* (forthcoming).
- Daniel Pascoe and Sangmin Bae, 'Idiosyncratic voting in the UNGA death penalty moratorium resolutions' (2021) 25(6) *The International Journal of Human Rights*, 974-1006.
- Daniel Pascoe, 'The Criminal Law Syllabus and the Realities of Legal Practice in Hong Kong' (2021) 30(1) *Legal Education Review* (forthcoming).

Dr. Julia Tomassetti

- Julia Tomassetti, 'Neoliberal Conceptions of the Individual in Labour Law' in Tindara Addabbo, Edoardo Ales, Ylenia Curzi, Tommaso Fabbri, Olga Rymkevich and Iacopo Senatori (eds), *The Collective Dimensions of Employment Relations* (Palgrave Macmillan, 2021 forthcoming).

Media Presence (January – June 2021)**Prof. Guobin Zhu**

- Prof. Zhu was quoted in Tai Kung Pao on ["Academic Freedom and National Security Law"](#), 4 June 2021

Dr. Surya Deva

- Dr. Deva was quoted in New York Times on ["China Still Buys American DNA Equipment for Xinjiang Despite Blocks"](#), 11 June 2021
- Dr. Deva was quoted in South China Morning Post on ["Xinjiang cotton: why it is so hard to find out the truth about forced labour claims"](#), 25 April 2021
- Dr. Deva was quoted in New York Times on ["Why Are China's Consumers Threatening to Boycott H&M and Other Brands?"](#), 6 April 2021
- Dr. Deva was quoted in Quartz on ["Xinjiang cotton could portend a US-China consumer decoupling"](#), 25 March 2021
- Dr. Deva was quoted in Reuters on ["Asian firms urged to do their 'duty', break with Myanmar military"](#), 16 February 2021

- Dr. Deva was quoted in South China Morning Post on [“Why labour rights issues may sink the EU-China investment deal”](#), 13 February 2021
- Dr. Deva was interviewed by the Aljazeera TV about the CFA decision on Jimmy Lai’s bail, 9 February 2021

Upcoming Events (July – December 2021)

Conference on the Human Rights Implications of COVID-19 Regulations

4 September 2021 (Tentative)

(in collaboration with City University of Hong Kong Law Review)

Coordinator: Dr. Julia Tomassetti

Public Law and Human Rights Book Review Seminar Series

Date TBC (on a quarterly basis)

Coordinator: Dr. Daniel Pascoe

Symposium Series on Human Rights in Asia

Date TBC

Coordinators: Prof. Guobin Zhu and Dr. Fozia Nazir Lone

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