



invites you cordially to

the 2012 Spring Seminar Series on Comparative Rule of Law: Chinese and European Perspectives

The key objective of this seminar series is to inquire into the theoretical foundations and practical manifestations of the Rule of Law from a Chinese and European perspective and explore the implications for the development of a Rule of Law concept at the international level. It is an integral part of the research project “Comparative Perspectives on the Rule of Law and its Relations to International Law: European and Chinese Perspectives” (in partnership with Tsinghua University, Beijing).

The series brings together prominent Chinese and European experts to discuss their current research while confronting them with an interdisciplinary audience of senior colleagues, doctoral researchers and students. The seminars include a presentation that is followed by a discussion.

Programme

1. RULE OF LAW AND CHINA, RULE OF LAW IN CHINA : CURRENT DEVELOPMENTS AND FUTURE PERSPECTIVES



Dr. Stéphanie Balme (Sciences Po. Paris) – Friday 17 February – 11.00 to 13.00

Chair: Prof. Dr. Em. René Foqué (K.U.Leuven)

Faculty of Law, Pleitoefeningzaal, DV3 01.26, Tiensestraat 41, Leuven

As an important component of its strategy to reform its economic and political systems and institutions, Rule of Law has become a catch word in China today.

This seminar will define the Rule of Law in the Chinese context and emphasize the key differences between the Western understanding of the Rule of Law and the Chinese one. It will also address the current debates and perspectives of reforms as well as the main challenges in terms of Rule of Law development in China.

2. WHY CHINESE OBEY THE LAW: LESSONS ABOUT COMPLIANCE BEHAVIOUR FROM CHINA'S LEGAL SERVICE SECTOR



Prof. Dr. Benjamin Van Rooij (University of Amsterdam) - Friday 2 March - 11.00 to 13.00

Chair: Prof. Dr. Em. Jacques Herbots (K.U.Leuven)

Faculty of Law, Pleitoefeningzaal, DV3 01.26, Tiensestraat 41, Leuven

In order to understand why Chinese people obey the law, this seminar looks at tax compliance in the Chinese legal service industry. Using a unique set of data including 80 in-depth interviews with lawyers and ten case studies of firms with a good reputation of different sizes the seminar will discuss what factors shape such compliance behavior. The findings lead us to question the impact of state driven deterrence, legal knowledge, descriptive social norms, and personal norms and emphasize the effects of market driven deterrence, reputation and organizational culture. The study also sheds new light on the general duty to obey the law regardless of justice or economic considerations. It shows how many lawyers support such duty, but that this does not necessarily enhance their compliance.

3. THE RULE OF LAW IN INTERNATIONAL SPACE LAW: A CHINESE PERSPECTIVE



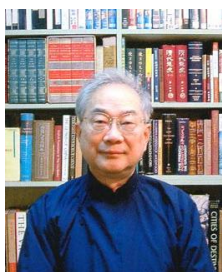
Prof. Dr. Li Bin (Harbin Institute of Technology) – Tuesday 27 March – 11.30 to 13.00

Chair: Prof. Dr. Walter Thiebaut (K.U.Leuven)

Faculty of Law, Pleitoefeningzaal, DV3 01.26, Tiensestraat 41, Leuven

Free access to outer space and its peaceful and sustainable use are sure to become some of the most important security challenges of the 21st century. In this context, China and the EU should foster a dialogue on the main issues that may shape future international law in this arena, including space debris, non-militarization and non-aggression. This seminar will address the need to develop an international Rule of Law in the framework of space law in order to channel the strong strategic competition into structures and procedures of juridical regulation.

4. CHINA'S LEGAL TRADITION AND THE RULE OF LAW



Prof. Dr. Chang Wejen (Academia Sinica) – Friday 20 April – 11.00 to 13.00

Chair: Prof. Dr. Jan Wouters (K.U.Leuven)

Faculty of Law, Pleitoefeningzaal, DV3 01.26, Tiensestraat 41, Leuven

“The Rule of Law” is a rather nebulous term. Rudimentarily it refers to an idea that law is to be applied equally to everyone. But this leads to a plethora of questions related to the definition of the law, the legitimacy of the rule-maker, the distinction between good and bad laws and also the enforcement and violation of laws. Chinese thinkers of all stripes

have deliberated these questions since ancient times. Based on the theories of Confucianism, Legalism, Daoism and Buddhism and their experience in dealing with concrete social problems the Chinese have developed a view of law and government that is a mixture of various ideologies and pragmatic considerations. With this view traditional China created a set of tenets, institutions, mechanisms and practices, some of them similar to those of the West, others quite different. This presentation will emphasize a few important points of the Chinese response, make comparisons with the European answers and explore the possibility of developing a set of core elements of “the Rule of Law” that is acceptable to both China and the West.

5. CHINESE ADMINISTRATIVE LAW AND GOVERNANCE PAST AND PRESENT: A EUROPEAN COMPARATIVE PERSPECTIVE



Dr. Karin Buhmann (University of Copenhagen) – Tuesday 24 April – 11.30 to 13.00

Chair: Prof. Dr. Geert De Baere (K.U.Leuven)

Faculty of Law, Pleitoefeningzaal, DV3 01.26, Tiensestraat 41, Leuven

This seminar will discuss Chinese administrative law and governance in a historical and comparative perspective. The aim is to suggest some shared points of protection and objectives between Chinese and European administrative law in relation to protecting citizens' interests. From the historical perspective, the seminar will discuss the influence of the Legalist and Confucianist schools of thought on the legal system and on elements of contemporary Chinese administrative law. A comparison will be made with some Council of Europe principles on 'Justice in Administration'.

6. LEGAL REFORM AND THE ESTABLISHMENT OF RULE OF LAW IN CHINA



Dr. Sanzhu Zhu (School of Oriental and African Studies) – Tuesday 8 May – 11.30 to 13.00

Chair: Prof. Dr. Jan Wouters (K.U.Leuven)

Large Meeting Room, GGS, Deberiotstraat 34, Leuven

The presentation will examine the role of administration in the protection of private property, with a focus on the demolition and relocation of private homes under the circumstances of requisition of houses for various purposes, an area where abuse of administrative powers frequently took place, coupled with a weak procedural rights and justice for private home owners. The presentation will examine whether and what progress has been made in the administration in this area in accordance with law, and whether and to what extent this area of administration is undergoing a process of fundamental change from a reliance on administrative means to a reliance on legal means, and whether changes and improvement in administration has enhanced the Rule of Law and in turn the protection of private property in China.

7. FOOD SAFETY AND THE RULE OF LAW IN CHINA



Prof. Dr. Francis Snyder (London School of Economics) – Tuesday 15 May - 11.30 to 13.00

Chair: Prof. Dr. Geert Van Calster (K.U.Leuven)

Large Meeting Room, GGS, Deberiotstraat 34, Leuven

Regional and national regulation of food safety today depends on relations between multiple sites of governance. This presentation of work in progress focuses on WTO law and Chinese law. It begins by sketching briefly the ways in which WTO panels and the Appellate Body use rules deriving from international standards bodies. It then considers recent developments in Chinese food safety law, with a view to understanding how the rules, administration and enforcement of food safety law in China are related to WTO law and international standards.

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