Justice and Legal Reform in
CHINA
MARCH 26-27, 2008
Sponsored by the Human Rights Program
While long a topic of global economic and political focus, China has invited international scrutiny by hosting the 2008 Olympics, and seemingly embraces its growing prominence on the world stage. Alongside reports of exceptional development, however, are stories that document the corresponding costs and concerns of the country’s rapid growth—both independent of and related to the international games. Headlines read: “Google Censors Itself for China,” “Chinese Revise Criminal Code, Not Its Essence,” “Choking on Growth—China and the Environment,” and “Report Accuses China of Arming Sudan.” How should China and the rest of the world make sense of the news? What do these reports say about China’s promise and potential in the global age, and in what ways do they portend problems?

The Conference on Justice and Legal Reform in China will provide a forum to explore some of these issues—specifically, Internet freedom, legal reform, the environmental crisis, and international relations.

SCHEDULE

WEDNESDAY, MARCH 26

5:15–6:45 p.m.
Defending Rights in China: The Weiquan Movement (WB102)

THURSDAY, MARCH 27

Events are located in the Purcell Reading Room unless otherwise noted.

9:00 a.m.
Welcome

PAUL G. MAHONEY, David and Mary Distinguished Professor of Law; Co-Director, John M. Olin Program in Law and Economics, University of Virginia School of Law

DEENA HURWITZ, Director, Human Rights Program; Associate Professor, General Faculty; Director, International Human Rights Law Clinic, University of Virginia School of Law

9:15–10:45 a.m.
Chinese Legal Reform: Potential for Change in Public Interest Law

12:30–2:00 p.m.
Luncheon with Panelists (Caplin Pavilion) and Film (1:15-2:00 pm, WB101): “The People’s Court: China’s Legal Revolution” (2007)

2:15–4:00 p.m.
The Impact of Environmental Justice Advocacy in China

4:00–5:30 p.m.
The “Peaceful Rise”: China’s Role on the World Stage

5:30–5:45 p.m.
Closing Remarks

Cameron Cowan ’81, Partner, Orrick, Herrington & Sutcliffe, LLP; Managing Partner for Orrick’s China Practice (2005-06); Board Member, Trustees of the University of Virginia Law School Foundation

5:45–6:30 p.m.
Reception (Second Floor, Slaughter Hall)

Panelists/Details

Defending Rights in China: The Weiquan Movement

Human Rights Advocacy Seminar open session

Weiquan can be translated as “rights defense,” or the action of lawfully defending one’s legal rights. Rights defense groups have been active for several decades in China, but the term “rights defense” has come into wide circulation only recently. The Chinese government’s reaction to this trend has ranged from expressions of concern for the rural poor and calls for a harmonious society based on the principles of weiquan, to increasingly severe crackdowns on weiquan activists.

Moderator:
PJ Cowan, Historian; Freelance Translator and Editor, Probe International

Xiarong Li, Research Scholar, Institute for Philosophy and Public Policy, University of Maryland

Luo Xiaopeng, Professor, Chinese Academy for Rural Development, Zhejiang University

Yao Yao, Director, Civil Society Watch, Law & Public Participation Project; Fellow, Public Interest Law Initiative, Columbia Law School

Justice and Legal Reform in China

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Chinese Legal Reform: Potential for Change in Public Interest Law

In response to intensifying international scrutiny, China has recently made changes to its criminal justice system and property laws. Are these reforms artificial, or do they reflect substantive and lasting change for China’s legal system? What do these reforms mean for legal practitioners, individuals, and businesses in China?

 Moderator: Doug Ford, Lecturer, General Faculty; Director, Immigration Law Clinic, University of Virginia School of Law
Margaret Woo, Professor and Faculty Director, Northeastern University School of Law Program on Human Rights and the Global Economy
Chen Yueqin, Director and Lawyer in Public Interest, Chen Yueqin Law Firm, Beijing
Robin M. Maher, Director, American Bar Association Death Penalty Representation Project

The Internet in China: Digital Barriers or Digital Gateways?

As technology improves Chinese citizens’ ability to access and transmit information and ideas globally, the Chinese government faces a turning point: Will it allow the Internet to increase individual autonomy and intellectual freedom, or will it attempt to tighten its control of communication gateways? Internet access is spreading throughout China but, critics say, so are the government’s practices of blocking foreign Web sites and filtering online content. This panel will examine the current status of Internet access and regulation in China, and possible directions for future policy.

 Moderator: Daniel R. Ortiz, John Allan Love Professor of Law, University of Virginia School of Law
Peter Yu, Professor, Drake University Law School; Director, Intellectual Property Law Center; Founder, Annual Chinese Internet Research Conference
Zhao Jing (Michael Anti), Niemann Fellow for Journalism, Harvard University
Molly Beutz, Associate Professor of Law, Institute for Information Law and Policy, New York Law School

The Impact of Environmental Justice Advocacy in China

China’s rapid industrial development has degraded the country’s natural resources and significantly affected China’s population, with air and water pollution causing an estimated 760,000 deaths each year. The Chinese government recently claimed it will greatly expand environmental legislation and enforcement in order to reduce pollutant levels. At the same time, it continues to pursue environmentally suspect policies, such as the building of the Three Gorges Dam on the Yangtze River. This panel will examine the Chinese government’s response to the environmental crisis, as well as possible solutions.

 Moderator: Jonathan Z. Cannon, Professor of Law; Director, Environmental and Land Use Law Program, University of Virginia School of Law
Hu Jing, Director, Research and Communications Office, Center for Legal Assistance to Pollution Victims, Beijing
Liu Jianqiang, Senior Investigative Journalist, China Southern Weekend; Winner, 2005 Dupont Prize for environmental journalism
Anna Brettell, Program Officer for East Asia, National Endowment for Democracy
Patricia Adams, Executive Director, Probe International (Toronto)
Participants

Defending Rights in China: The Weiquan Movement

Xiarong Li
Xiarong Li is a research scholar at the Institute for Philosophy and Public Policy at the University of Maryland. Li joined the Institute in 1993. Her main interest is in human rights, cultural diversity/pluralism, and the ethics of globalization. She has authored a paper on China's economic growth, human rights, and the rule of law in China. Her recent research has focused on human rights, cultural diversity, and the ethics of globalization. She has written on subjects including human rights and cultural relativism, international justice, reproductive rights, and gender issues in developing countries.

Yao Yao
Yao Yao is the director of Civil Society Watch, which focuses on promoting good governance, human rights protection, and development of civil society groups in the areas of environmental justice and HIV/AIDS. He is responsible for promoting public participation and advocacy for environmental victims and HIV/AIDS groups. Yao's recent projects include holding election training sessions for the NGO Country Coordination Committee (CCM) and capacity-building training for grassroots water-quality protection organizations.

Chinese Legal Reform: Potential for Change in Public Interest Law

Luo Xiaopeng
Luo Xiaopeng is a professor at the Chinese Academy for Rural Development at Zhejiang University. He has a Ph.D. in agricultural economics from the University of Minnesota, and has studied as a visiting fellow at Harvard University and a visiting graduate student at Oxford University. He also has a master of arts in industrial management from the People’s University of China. He has studied economic development in rural China and has written a working paper for the World Bank on Land Redistribution in China. Luo's research has focused attention on migrant farm workers and their contribution to China’s economic growth. He also has written on poverty alleviation and presented his findings at the National Forum on Development in West China.

Margaret Woo
Margaret Woo is a faculty director for the Northeastern University School of Law Program on Human Rights and the Global Economy. She has a J.D. from New York University and an LL.M. from Georgetown University. In 1997, she was named the law school's Distinguished Professor of Public Policy. Woo has published and spoken widely on China's legal reforms. Among her other activities, Woo is also committed to Asian American and civil rights issues, serving as a board member of the Asian American Legal Defense and Education Fund, the Harry Dow Legal Assistance Memorial Fund, and the Lawyers’ Committee for Civil Rights Under Law.

Chen Yueqin
Chen Yueqin is the director and lawyer in public interest at the Chen Yueqin law firm in Beijing. She focuses on public litigation for environmental protection and animal protection. Yueqin completed a Ph.D. in economic law and a juris master from Renmin University of China. Her publications include “From Citizen Society & Civil Law to Economic Nation & Economic Law” in the Journal of Capital Normal University, “One Commercial Law” in China Law, and many other articles discussing environmental public-interest law, contracts, torture prevention, and commercial law. Among her many public-interest cases, she has fought to stop the relocation of the Beijing Zoo, appealed a death penalty sentence for four peasants, and participated in a lawsuit over the Environmental Impact Assessment for the Nu River.

Robin M. Maher
Robin Maher is director of the ABA Death Penalty Representation Project in Washington, D.C.
The Project focuses on the quality and availability of legal representation for those charged with or convicted of capital crimes in the United States. It works to reform the systems that deliver legal services to the poor through systemic litigation and other means, and to educate the bar and public about the crisis of counsel in the death penalty system. Maher works with legislators, lawyers, and judges to adopt the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases in all U.S. death penalty jurisdictions, and advocates use of the guidelines by other countries which use the death penalty. A graduate of the University of Minnesota Law School and a former clerk for the U.S. Member to the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Maher has worked in Kathmandu, Nepal, and India on reform of legal systems to address human rights violations. Since 2003, she has worked with Chinese lawyers and academics on reform of China’s death penalty system, including the creation of a new appellate system of review and an enhanced role for defense counsel. Maher is the author of articles on gender, the death penalty, and international human rights. She has represented death-row prisoners and has written several scholarly articles, focusing primarily on citizen suits for pollution victims and government agency environmental law suits. He has been a visiting scholar at the University of Maryland School of Law, and has spoken on the topic of environmental damage compensation legislation and urban air quality in China.

Peter Yu
Peter K. Yu holds the Kern Family Chair in Intellectual Property Law and is the founding director of the Intellectual Property Law Center at Drake University Law School. He is a research fellow of the Center for Studies of Intellectual Property Rights at Zhongnan University of Economics and Law in Wuhan, China, and serves as a visiting professor at the University of Hong Kong Faculty of Law in the summer. Born and raised in Hong Kong, Yu is a leading expert in international intellectual property and communications law. He writes and lectures extensively on international trade, international and comparative law, and the transition of the legal systems in China and Hong Kong. Yu is a frequent commentator in the national and international media.

Zhao Jing (Michael Anti)
Zhao Jing (Michael Anti), a Niemann Fellow for Journalism at Harvard University, is a researcher for the Beijing Bureau of the New York Times, and runs several political columns in Chinese liberal newspapers and magazines. He was a war reporter for a Chinese newspaper in Baghdad in March 2003. His well-known Chinese political blog was shut down by Microsoft in 2005. In the wake of this case, he started a collaborative online weekly magazine on international politics. He was an international jury member of Deutsche Welle’s Best of Blogs competition in 2005, 2006, and 2007. He was also a Wolfson Press Fellow at Cambridge University in 2007.

Molly K. Beutz
Molly K. Beutz is an associate professor of law at New York Law School. Drawing on her human rights expertise and background as an IP litigator, Beutz’s scholarship focuses on access to knowledge and the intersection of intellectual property and human rights. Her recent work investigates the role of cultural rights and technology in achieving democratic objectives and the respective responsibilities of states and international institutions in that process. At NYLS, she is affiliated with the Center for International Law, the Institute for Information Law and Technology, and the Justice Action Center. Prior to joining NYLS, Beutz was a visiting lecturer in law and the Robert M. Cover/Allard K. Lowenstein Fellow in International Human Rights at Yale Law School. After graduating from Yale Law School in 2001, Beutz clerked for the Honorable Denise Cote, U.S. District Judge, in the Southern District of New York. Between 2003 and 2005, she litigated copyright, trademark, and patent cases with Faegre & Benson LLP.

Liu Jianqiang
Liu Jianqiang is a senior investigative reporter with Southern Weekend, one of China’s top investigative newspapers. Some of Liu’s most powerful articles include his September 2004 expose on the controversial Tiger Leaping Gorge dams in southern Yunnan province. The story was personally read by Prime Minister Wen Jiabao, who then ordered the project to be suspended pending a central government investigation. His December 2004 piece on genetically modified rice ignited a central government crackdown on the illegally produced foodstuffs, while his March 2005 article on the Summer Palace lake reconstruction resulted in the State Environmental Protection Administration holding the country’s first public environmental hearing. For his efforts, Liu was a 2005 nominee for the State Environmental Protection Administration’s “China Environmental Protection Person of the Year” award. He was also featured in the Wall Street Journal on December 2006 about the rise of Chinese investigative journalism. Liu has a B.A. in political science from East China University of Science and Technology and an M.A. in journalism from Tsinghua University. He is currently a visiting scholar at the University of California - Berkeley School of Journalism and is also a columnist for the Chinese-English online environmental magazine www.chinadialogue.net.
Anna Brettell
Anna Brettell is a program officer for East Asia at the National Endowment for Democracy. She has taught at the University of Maryland’s Department of Government and Politics, the University of Vermont Department of Political Science, and Cornell University’s Department of Government. She has a Ph.D. in government and politics from the University of Maryland, and an M.A. in international environmental policy from the Monterey Institute of International Studies. She has written several articles on China, including “China’s Pollution Challenge: The Impact of Economic Growth and Environmental Complaints on Environmental and Social Outcomes” in Challenges Facing Chinese Political Development (Lexington-Rowman & Littlefield, 2007), “Channeling Dissent: The Institutionalization of Environmental Complaint Resolution” in China’s Embedded Activism (Routledge Press, 2007), and “Energy and the Environment: The Atmospheric Link” in Threats Without Enemies, Security Without Borders: Non-traditional Security in East Asia (United States Institute of Peace, 2007).

Patricia Adams
Patricia Adams is an economist and the executive director of Probe International, an independent think-tank and watchdog over government and corporate activities around the world. Her books include In the Name of Progress: The Underside of Foreign Aid (Doubleday, 1985) and Odious Debts: Loose Lending, Corruption and the Third World’s Environmental Legacy (Earthscan, 1991). Adams also edited the English-language translation of Yangtze! Yangtze!, a critique by Chinese experts of the Three Gorges dam that inspired the democracy movement when it was first published in 1989, led to the postponement of the dam, and was subsequently banned by Chinese authorities. Before coming to Probe International, Adams worked on a variety of development projects for the International Development Research Centre and Acres International. She has advised the World Council of Churches’ energy program, and chaired the Nairobi-based Environment Liaison Centre. She is a co-founder of the International Rivers Network and the World Rainforest Movement, and is an associate editor of the British magazine The Ecologist. Adams has appeared before congressional and parliamentary committees in the United States and Canada.

Chin-Hao Huang
Chin-Hao Huang is a research associate with the Stockholm International Peace Research Institute (SIPRI) in Stockholm, Sweden. Previously, he was a research assistant with the Freeman Chair in China Studies at the Center for Strategic and International Studies (CSIS) in Washington, D.C. Huang assisted with the coordination of the CSIS China-Africa project, a multi-year initiative examining Chinese intentions, policies, and practices in Africa and implications for U.S. strategic interests. He recently co-authored several reports and monographs on China-Africa-U.S. relations, including: “China’s Expansive Role in Africa: Implications for the United States” (2007); “Assessing China’s Growing Influence in Africa” (2007); “China and the Darfur Crisis” (forthcoming, Fordham International Law Journal); and “China’s Renewed Partnership with Africa” (forthcoming chapter, Brookings Institution Press). Huang has published other works on Chinese foreign and security policy in China Security, China and Eurasia Forum Quarterly, South China Morning Post, Asia Times, and China Brief. Prior to CSIS, he served as executive director for the Georgetown International Relations Association, a nonprofit organization based in Washington, D.C. His research interests include East Asian security issues and Chinese foreign policy. He is a graduate of the Edmund A. Walsh School of Foreign Service at Georgetown University.

Yong Deng
Yong Deng, a professor in political science at the U.S. Naval Academy, specializes in international politics with a focus on Asia and Chinese foreign policy. He taught at Benedictine University for four years and has been teaching at the Naval Academy since 1999. His latest co-edited book is China Rising: Power and Motivation in Chinese Foreign Policy (2005). His recent papers include chapters in several edited volumes as well as “Hegemon on the Offensive” and “China Views Globalization: Towards a New Great Power Politics?” Deng is a member of the National Committee on U.S.-China Relations. He received his Ph.D. in political science from the University of Arizona in 1995.
Thank You

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