HARMONIZING ASEAN EDUCATION, REGULATORY CAPACITY-BUILDING, LAW AND INSTITUTIONAL REFORM FOR ASEAN INTEGRATION

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I. PROJECT RATIONALE

The forthcoming economic integration in 2015 of all ten Southeast Asian states (*Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam*), under its own unique model of legally binding regional governance in the new Charter-based system of the Association of Southeast Asian Nations (ASEAN), creates the urgent impetus for focused, sustained, and well-developed technical assistance for assessing, developing, designing, harmonizing, and reforming the current regulatory, institutional, legal, informational, educational, and administrative architecture within and across the ASEAN Member States.

As the ASEAN Economic Community (AEC) Blueprint makes clear, the establishment of the AEC requires ASEAN to “act in accordance with the principles of an open, outward-looking, inclusive and market-driven economy consistent with multilateral rules as well as adherence to rules-based systems for effective compliance and implementation of economic commitments.”¹ At the same time, however, the regulatory and legal architecture required for a permanent single market for the free movement of goods, services, investment, labour, and capital flows in the Southeast Asian region should also be adapted to respond to the subsisting ‘development divide’ remaining for the newer ASEAN Member States (Cambodia, Laos, Myanmar, and Viet Nam – otherwise known as the CMLV States). To this end, the Initiative for ASEAN Integration (IAI) Strategic Framework and the corresponding IAI Work Plan for 2009-2015 stresses the importance of conducting continuous studies to determine and periodically assess the impact of regional integration on the CMLV States; monitor and report on the institutional coordination among Member States to achieve development objectives within regional integration objectives; revising current educational systems of the Member States to ultimately produce human capital resources that would be more responsive to the new market challenges of regional integration; and conducting training programmes that would harmonize and consolidate legal and administrative capacities for coordination among the Member States with the new Charter-based governance structures and institutions of ASEAN.²

The success of ASEAN integration depends heavily on supporting the Member States’ coordinated efforts towards well-informed revision, monitoring, oversight, and reform of Southeast Asian laws, administrative rules and procedures, judicial institutions and jurisprudential practices. **ASEAN integration under a stable rules-based system will materialize in a sustainable process, only when the Member States develop “ASEAN Law” and “ASEAN jurisprudence” concomitantly and strategically with the long-term adaptation of ASEAN legal and regulatory institutions.**

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¹ AEC Blueprint, para. II.5.  
² Initiative for ASEAN Integration (IAI) Strategic Framework and IAI 2009-2015 Work Plan, Parts I and II.
II. PROJECT PROPONENT

Institutional Mission and Vision

The ASEAN Law & Integration Center (ALIC) at the University of Hawaii William S. Richardson School of Law (UH Richardson Law) responds to the urgent need for continuous top-tier research and capacity building on legal, regulatory, and policy reforms involved in all aspects of ASEAN integration. It is the only institution in the United States legal academy to date that is specifically dedicated to supporting the analysis, assessment, development, and innovation by the ASEAN Member States in the process of creating and establishing “ASEAN Law”, “ASEAN jurisprudence”, and “ASEAN institutions” for the Southeast Asian single market.

The ALIC is ideally hosted at UH Richardson Law – the leading American law school in Pacific-Asian legal studies with the specific pedagogical mandate “to recognize a special responsibility to the Pacific region”. UH Richardson Law is globally recognized within the top 169 law schools in The Princeton Review as having the United States’ “best environment for minority students”, having one of “the most diverse faculty” in the United States, and the only American law school to offer a Pacific-Asian Legal Studies Certificate for students specializing in the comparative study of law across Asian legal systems of Southeast Asia, China, Japan, Korea, among others.

Focus Areas

The ALIC provides research and technical expertise from various international and Asian law experts at the UH Richardson Law Faculty, in addition to various strategic linkages across University institutions and other collaborative networks based in the United States, Asia and Europe. ASEAN legal, regulatory, and policy analysis will require the ability to engage with the legal and regulatory frameworks of ASEAN’s strategic partners, such as China, the United States, the European Union, Japan, and Korea. The ALIC Resource Persons are well-positioned to provide not just the requisite knowledge of these legal systems, but also the institutions and policy decision-making environments of ASEAN’s key strategic partners.

Apart from core expertise in international economic law (trade, finance, investment, development), international human rights law (civil and political rights, economic social and cultural rights), education and rule of law reform, ALIC research also spans the broad spectrum of educational, informational, policy, legal and regulatory issues affecting ASEAN integration, including in particular:

- Asian Commercial Law, Intellectual Property, and International Regulation
- International Labor, Employment, Migration, Disabilities and Equality Rights Law
- International Environmental Law, Climate Change, and Disaster Risk Reduction
- ASEAN +3 partners: Chinese Law, Japanese Law, Korean Law
Core Functions of the ALIC

To fulfill its institutional Mission and Vision, ALIC assumes six core operational functions:

(1) **Encourage** and host research collaborations between global legal scholars and policy experts inside and outside the United States and Asia, on the formulation, review, and assessment of emerging “ASEAN Law” (generated by Summit decisions, treaties, ministerial and sectoral decisions by ASEAN institutions, and secondarily by the ASEAN Member States’ domestic legislation) and “ASEAN jurisprudence” (arising from ASEAN Member States’ national courts, and institutions delegated with certain aspects of dispute settlement, such as the Panels and Appellate Body under the 2004 ASEAN Protocol on Dispute Settlement Mechanisms, and the arbitral tribunals in the ASEAN trade and investment treaties);

(2) **Contribute** technical assistance to the ASEAN institutions and other external institutions (international development banks and financial institutions, third States transacting with ASEAN based on strategic treaty partnerships, other regional organizations such as the European Union) faced with ASEAN integration legal issues;

(3) **Extend** external advisory legal assistance, when requested, to ASEAN Member States managing the processes and institutions of economic integration and legal harmonization;

(4) **Coordinate** with non-governmental organizations, civil society networks and constituencies within Southeast Asia towards encouraging broad participation, transparency, and accountability in the development of ASEAN Law and jurisprudence in the era of Southeast Asian integration; and

(5) **Cooperate** with ASEAN and its external partners, particularly the United States (through the State Department, Trade Representative, among others) on developing and furnishing needed capacities for the entrenchment, professionalization, and institutionalization of the accountable rules-based system in ASEAN based on its Charter, ASEAN legislation, regulations, and policies in the economically-integrated ASEAN.

(6) **Assist** ASEAN law faculties in the development of curricula, teaching, and research on ASEAN law and ASEAN integration.
III. ALIC Co-DIRECTORS AND RESOURCE PERSONS

ALIC Co-Directors

The Co-Directors of the ALIC are both leading experts on ASEAN law and regional cooperation, from issues on international economic law (trade, finance, investment, and development), international human rights, rule of law and access to justice reform, maritime security, and transitional justice in post-conflict societies.

Professor David Cohen, Co-Director (Human Rights, Rule of Law, Access to Justice) is one of the world’s foremost experts in international criminal law, rule of law, access to justice, and Southeast Asia rule of law issues. He serves concurrently as Director of the Asian International Justice Initiative at the East-West Center, Honolulu and of the WSD Handa Center for Human Rights and International Justice at Stanford University. He is also a founder of and advisor to the Human Rights Resource Center at the University of Indonesia, the hub of a network with 12 partner institutions in 7 ASEAN countries. Cohen also directs the 2012 ASEAN Judiciaries Integration Initiative: Strengthening the Rule of Law and Promoting Investment through Judicial Capacity Building Project, established with the support of the United States Agency for International Development (USAID) and in collaboration with the ASEAN Secretariat, US Ambassador to ASEAN David Carden, and the Singaporean Judiciary. The ASEAN Judiciaries Integration Initiative supports and implements the consensus reached by delegations of all ASEAN Justice Ministries and Judiciaries at a meeting it convened in Phnom Penh in June 2012 to assist legal harmonization and the leading role of ASEAN judiciaries in the implementation of ASEAN integration. The ASEAN Judiciaries Integration Initiative is already in the programmatic implementation stages from this initial meeting of the ASEAN leadership, USAID, and US Ambassador David Carden. Apart from this capstone project, Professor Cohen also currently leads international research and regional capacity-building projects that engage all three of the official ASEAN human rights bodies (ASEAN Intergovernmental Commission on Human Rights, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, ASEAN Committee on Migrant Workers), and has lent expertise to the drafting of the ASEAN Human Rights Declaration, the establishment and operation of the Extraordinary Chambers in the Courts of Cambodia (ECCC). For further information on Professor Cohen’s extensive work on Southeast Asian legal reforms, see https://www.law.hawaii.edu/personnel/cohendavid

Professor Diane Desierto, Co-Director (Trade, Investment, Finance and Development, ESC Rights) is one of the most cited scholars on ASEAN Law under its new Charter regime. As a former Professor at the University of the Philippines College of Law, the Lyceum of the Philippines College of Law, the Foreign Service Institute of the Philippine Department of Foreign Affairs, and Peking University School of Transnational Law in Shenzhen, China, she has written and published extensively ASEAN constitutional governance, economic integration issues, regulatory and public policy questions in ASEAN trade, finance, and investment. Dr. Desierto has also worked with the American Bar Association Rule of Law initiative in the drafting and review of the ASEAN Human Rights Declaration; written and advised on ASEAN investment treaties and
integration issues at the Office of the Chief Economist of the Asian Development Bank; worked with the National University of Singapore Centre for International Law (NUS CIL) as the Philippine representative in their ASEAN Integration through Law project led by NYU Professor and EUI President Joseph Weiler; and has advised on economic integration issues at the Philippines’ Office of Presidential Legal Counsel, Senate Committee on Foreign Relations, Department of Foreign Affairs, and Office of the Solicitor-General. She has served as Expert Speaker/Resource Person on trade, finance, investment, cross-border regulation, maritime cooperation, and human rights issues affecting ASEAN integration, for the ASEAN Law Association; the Asian Law Institute; the Singapore Academy of Law and the Singapore Supreme Court; the Center for Southeast Asian Studies at the University of Michigan; the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany; and most recently, for the European Union-ASEAN High Level Dialogue on maritime and trade cooperation on 18-19 November 2013 in Jakarta, Indonesia.

Dr. Desierto was a former Law Clerk at the International Court of Justice, the Hague, Netherlands and is a doctoral graduate of Yale Law School. She serves concurrently as Director of Studies for Public International Law at the Hague Academy of International Law; Member of the Scientific Advisory Board of the European Journal of International Law and Contributing Editor to EJIL:Talk!; and Associate Editor of the Asian Yearbook of International Law. Among her publications, she authored the books *Public Policy in International Economic Law: The ICESCR in Trade, Finance and Investment* (OUP 2014), *Necessity and National Emergency Clauses* (Martinus Nijhoff Publishers, 2012), *ASEAN Integration and the Philippine Constitutional System* (forthcoming with Cambridge University Press), and *International Commercial Arbitration for the Philippine Legal Profession* (UP Press, forthcoming). For further details, see https://www.law.hawaii.edu/person/diane-desierto

**ALIC Resource Persons**

**Asian Commercial Law, Intellectual Property, and International Regulation**

**Professor Charles D. Booth, Professor of Law, Director of the Institute of Asian-Pacific Business Law and Carlsmith Ball Faculty Scholar,** and one of the leading global experts on comparative and cross-border insolvency and commercial law. He is a well-published expert on Hong Kong and Chinese insolvency law and reform, asset management companies in Asia, and the development of insolvency and commercial law infrastructures in Asia in the aftermath of the Asian financial crisis. He is a Fellow in the American College of Bankruptcy, a Founding Member of the International Insolvency Institute, and a Member of the International Academy of Commercial and Consumer Law. He has advised on commercial law reform and insolvency projects and studies sponsored by the World Bank, the Asian Development Bank, the International Republican Institute, the ABA-UN Development Programme International Legal Resources Center, and the Organisation for Economic Cooperation and Development (OECD). For further details, see https://www.law.hawaii.edu/personnel/booth/charles
Professor Danielle Conway, Director of the University of Hawaii Procurement Institute and Michael J. Marks Distinguished Professor of Business Law, is one of the leading experts on international intellectual property and indigenous peoples' rights. Among numerous publications, she co-authored the leading IP Law treatise, *Intellectual Property, Software, and Information Licensing: Law and Practice* (BNA 2007, 2008 Supplement, 2009 Supplement) and the casebook *Licensing Intellectual Property: Law and Application* (Aspen, 2008). She has lectured and/or advised in the United States, Europe, the United Kingdom, China, Japan, Ghana, Palau, Micronesia, Australia, New Zealand, and Mongolia on topics including globalization, government contract law, intellectual property law, intellectual property licensing, and Indigenous Peoples' rights. Professor Conway as Delegate status at the United Nations Permanent Forum for Indigenous Issues. For further details, see https://www.law.hawaii.edu/personnel/conway-danielle

**Law reform interests for ASEAN integration**

**Intellectual Property Law Reform**

Institutional intellectual property holders, primarily from developed and developing countries, dictate global legal intellectual property norms and lobby successfully to shape national legal infrastructures in ways that favor harmful monopolies. Law reform in global intellectual property law discourse must focus on recalibrating intellectual property rights and enforcement to balance the interests between rights holders and members of the larger society in a digital knowledge economy. Law reform must consider that progress in society is dependent on optimal use of intangible resources in order to spur creativity and innovation. Intellectual property protection regimes, post WTO Trade Related Aspects of Intellectual Property, position creativity and innovation squarely within the realm of the commercial sector and the monopoly power of these regimes afford rights holders extensive, unchecked power to exclude society from sharing in the benefits that inure from development of creative or innovative subject matter. This level of overprotection causes the stifling of further creativity and innovation as well as an unjustified denial of access to knowledge to developing countries. The denial of access to creative works, innovative technologies, and information may amount to violations of international human rights. Intellectual property law reform would study interface between intellectual property rights and their theoretical justifications, scope, and extent and international human rights. A particular path of inquiry must address the structural changes in national regimes, from creative to commercial, to discern what laws and regulations are required in order to reestablish the property balance between rights holders and members of the society. This inquiry and others is vital to responding to over protecting intellectual property, which results in individuals and peoples being denied the right to life, health, food, privacy, freedom of expression, and the enjoyment of scientific progress.

**Public Procurement Law Reform**

Global procurement fraud amounts to at least US$1tn annually. Corruption in public procurement is an international human rights issue. Corruption takes taxpayer dollars away from agencies responsible for doing governments’ work on behalf of its citizens. Corruption not only mocks the propriety of the procurement process, but it has real impact on people. Corruption steals jobs, illegally redirects funds, harms economies, reduces investment from other countries, make infrastructure vulnerable, and guarantees lowers living standards and life expectancies for citizens. There are many ways to commit procurement fraud, ranging from unreasonably restricting competition, failing to follow stated evaluations criteria, and failing to properly assess contractor responsibility to unfairly awarding contracts, changing the scope of contract work, and failing to impose inspection and quality
standards. Sometimes the corruption is as blatant as allowing a government official to receive a commission in exchange for favors during the public procurement process. Public procurement fraud can be ameliorated. Fraud can be detected, addressed and prevented by changing the culture of public procurement and professionalizing the public procurement employee ranks through formal education of sound public procurement theories, ethics, and best practices.

**Professor Michael G. Plummer** is one of the leading international economists focusing on ASEAN economic integration, and editor of *Realizing the ASEAN Economic Community: A Comprehensive Assessment* (ISEAS, 2009, co-edited with Chia Siow Yue). He is Director of the American Committee on Asian Economic Studies; editor in chief of the *Journal of Asian Economics*; senior fellow at the East-West Center (1989-1993); lecturer and adviser to the Asian Development Bank; team leader and adviser to the Association of Southeast Asian Nations Secretariat (2001-2003). He led a study on the development of ASEAN regional bond market (2006-2007) and advised USAID on ASEAN free-trade initiative. He earned his Ph.D. in economics at Michigan State University (U.S.); M.A. in economics, Michigan State University (U.S.); B.A. in economics and French, University of Michigan (U.S.); Postgraduate Diploma, SAIS Bologna Center.

**Professor Peter Petri, Founding Dean of the Brandeis University International Business School**, focuses on research and teaching in international trade, finance, investment and economic integration, with emphasis on Asia. A member of the Brandeis Economics faculty since 1974, he served as the founding Dean of the Brandeis International Business School from 1994 to 2006. He is also a Senior Fellow of the East-West Center in Honolulu; a Visiting Fellow of the Peterson Institute for International Economics; has consulted with APEC, the World Bank, the OECD, the United Nations, the Asian Development Bank and other organizations; and has held visiting appointments at universities in China and Japan. His A.B. and Ph.D. degrees are in Economics from Harvard University. His current work addresses major new trade agreements under negotiation in the Asia-Pacific region, including the Trans-Pacific Partnership (TPP), the ASEAN-based Regional Comprehensive Economic Partnership (RCEP), and other initiatives.

with Chinese Characteristics. Professor Brown has worked in China under the USIA's professional-in-residence program, has served as a Consultant with the World Bank, and has lectured throughout Asia on comparative labor law topics. He has taught U.S.-China Comparative Labor Law at Beijing University Law School and currently serves as a foreign advisor to BEIDA on graduate law programs. Since 2005, he has served as Executive Board member of the International Society for Labor and Social Security. He conducts legal exchange and international training programs for Chinese lawyers, judges, law drafters, and prosecutors under arrangements with the key government legal agencies. In 2004-2005, Professor Brown was in China as a Fulbright Distinguished Scholar, teaching U.S. and Chinese Labor & Employment law and Social Security at both Peking University Law School and Tsinghua University Law School. For further details, see: https://www.law.hawaii.edu/personnel/brown/ronald

Law reform interests for ASEAN integration

Under the ASEAN Economic Blueprint several areas relating to labor are highlighted: 1. integration into the global economy, 2. labor mobility, and 3. implementation. It would be useful to first compile a comparative study of current labor and employment law regimes and practices and ILO convention commitments in each member state to be used as a benchmark for future progress. Establishing minimum standards in labor and employment laws and practices can be accomplished under a continually modified RTA, borrowing from other FTAs including those of the “plus 3,“ and perhaps continually adding in new ILO conventions beyond the core standards, as consensus emerges. This raises standards or goals and tends to dampen competitive advantages of cheap labor within some ASEAN nations and level the economic playing field.

Another step in economic integration of labor and employment regimes could be to develop an employer uniform code of conduct, perhaps borrowing from the OECD Code of Conduct Guidelines and beginning with voluntary compliance to be used as a measure of current employment practices. Mobility issues could include current compilations of the flows in and out of ASEAN nations and the pertinent laws and practices. Issues would likely include who is in the flow, ranging from legal and illegal workers (including human trafficking).

Developing enforcement methods to implement and promote the progress of economic integration dealing with both trade and labor. Social dimension provisions (labor) in the above-mentioned FTAs could provide guidance as to defining coverage, administrative oversight, harmonized administrative mechanisms, and possible sanctions for both.

Professor Carole Petersen, Professor of Law and Director of the Spark M. Matsunaga Institute for Peace and Conflict Resolution, is an expert in international and comparative human rights law, gender equality, human trafficking, comparative anti-discrimination law, and the use of mediation in human rights disputes. She taught law in Hong Kong from 1989-2006 and was Director of the University of Hong Kong’s Centre for Comparative and Public Law from 2001-2004. While in Hong Kong she co-edited Human Rights in Asia: A Comparative Legal Study of Twelve Asian Jurisdictions, France, and the United States (Routledge 2006, with Peerenboom and Chen). Petersen has also participated in several law reform projects and was a member of the Hong Kong Equal Opportunities Commission’s Task Force on Equal Pay for Work of Equal Value. Her current research focuses on gender equality, trafficking of women, the rights of persons with disabilities, and the implementation of international human rights treaties in the Asia Pacific. Petersen's recent publications include: The Convention on the Rights of Persons with Disabilities: Using International Law to Promote Social and Economic Development in the
Law reform interests for ASEAN integration

In 2011, ASEAN member states adopted the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community. The Bali Declaration encouraged all member states to sign and ratify the UN Convention on the Rights of Persons with Disabilities (CRPD), the first binding treaty that protects the rights of persons living with disabilities. As of November 2013, eight ASEAN member states (Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, and Thailand) had met this target and ratified the CRPD. Vietnam and Brunei Darussalam are signatories and will hopefully ratify the treaty at some point during the ASEAN Decade of Persons with Disabilities (2011-2020).

States parties to the CRPD are obligated to submit, within two years of ratification, their Initial Report to the UN Committee on the Rights of Persons with Disabilities, describing steps taken to comply with the treaty and any barriers to implementation. The CRPD is the longest and most detailed human rights treaty in the UN human rights system, including many important civil and political rights, as well as social and economic rights. Compliance with the treaty can be challenging, particularly for governments that have traditionally taken a medical or social welfare approach to disability. States parties to the CRPD are obligated to shift to a rights-based approach and to enact an enforceable law that prohibits disability discrimination in employment, education, and all fields of public life. The legislation should also define the concept of "reasonable accommodation" and provide that the denial of reasonable accommodation shall constitute unlawful discrimination. States are also obligated to review other laws for compliance with the CRPD, including laws affecting mental health, legal capacity, and access to education. Many states have found it necessary to either amend or repeal legislation in order to comply with the CRPD. For example, New Zealand ultimately amended 23 statutes that contained unlawful references to disability as a criterion.

Professor Carole Petersen is an expert on the CRPD and related law reform in the Asia Pacific region. She helped to draft the first anti-discrimination legislation to be introduced in Hong Kong, a project that ultimately led to the enactment in 1995 of the Sex Discrimination Ordinance and the Disability Discrimination Ordinance. She has also conducted research on the enforcement of anti-discrimination legislation in Hong Kong, particularly on the powers of the Hong Kong Equal Opportunities Commission and its duty to attempt to conciliate complaints before granting assistance to litigate. More recently, she has conducted numerous trainings in Hong Kong and in Mainland China on the implementation of the CRPD and also the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Her publications in the field include:


Enforcing Equal Opportunities: Investigation and Conciliation of Discrimination Complaints in Hong Kong (Hong Kong: Centre for Comparative and Public Law, 2003) (with Janice Fong and Gabrielle Rush).

The Right to Equality in the Public Sector: An Assessment of Post-Colonial Hong Kong, 32 HONG KONG LAW JOURNAL 103-34 (2002).


Equal Opportunities: A New Field of Law for Hong Kong, in Raymond Wacks, ed., THE NEW LEGAL ORDER IN HONG KONG, pp. 595-625 (Hong Kong University Press, 1999).


Professor Linda Hamilton Krieger, Professor of Law and Director of the Ulu Lehua Scholars Program, is one of the United States’ leading published experts in employment discrimination law, civil procedure, disabilities law, international comparative equality law and policy. A former law faculty member of Stanford Law School and the University of California Berkeley School of Law, Professor Krieger returned home to Hawaii as Professor of Law and Director of the Ulu Lehua Scholars Program. She has held research fellowships and visiting professorships at the Harvard Law School (2006-2007), the Radcliffe Institute for Advanced Study at Harvard University (2005-2005), and the Institut d’Etudes Politiques de Paris (2008). Among numerous publications, she authored the landmark book on designing law reform, Problem Solving, Decision-Making, and Professional Judgment: A Guide for Lawyers and Policymakers (Oxford University Press, 2010). For further details, see https://www.law.hawaii.edu/personnel/krieger/linda

Professor Helen Stacy is a lecturer at the Stanford Law School and a senior research scholar at CDDRL. She currently leads pioneering international research into human trafficking arising from China, Myanmar, and Thailand. She has published extensively on international and comparative law; the adversarial system of law; legal and social theory; and human rights. She is the author of Postmodernism and Law: Jurisprudence in a Fragmenting World, (Ashgate Press, 2001), which explores the impact of postmodernism on legal thinking and discusses how law can benefit from postmodern thought. Before coming to Stanford, Stacy was a senior lecturer in the Faculty of Law at Queensland University.
University of Technology in Brisbane, Australia. Before becoming a law professor, she practiced law as an industrial lawyer with Shell Oil Company in Australia, and then as a senior crown prosecutor in the United Kingdom as a member of the Inner Temple of the Inns of Court, where she prosecuted cases of murder, manslaughter, rape and terrorist acts. She received an LLB degree from the University of Adelaide (South Australia), and a PhD in law from Griffith University in Queensland, Australia. For further details, see [http://fsi.stanford.edu/mediaguide/helen_stacy/](http://fsi.stanford.edu/mediaguide/helen_stacy/)

**International Environmental Law, Climate Change and Disaster Risk Reduction**

**Dr. Allen L. Clark**, *Senior Fellow at the East-West Center*, specializes in research and policy expertise on disaster management and humanitarian assistance programs; policy and institutions in support of sustainable national and regional development; Social, cultural and environmental impacts of large-scale resource development. He previously served as *Executive Director of the East-West Center/Pacific Disaster Center Managing Partner Cooperative Agreement*. He is a founder and former director general of the International Institute for Resource Development and chief at the US Geological Survey’s Office of Resource Analysis, and a consultant for the Agency for International Development, World Bank, Asian Development Bank and United Nations. Clark has worked directly in more than 50 countries and is the author/co-author of more than 250 publications and consultant to numerous national and international aid agencies and private industry. He holds a Ph.D. in geology from the University of Idaho.

**Publications:**
- *Social, Cultural and Economic Impacts of Natural Disasters*
- *Poverty Issues in the Context of an Evolving Asia*
- *Structural Reform of the Mining Industry in Asia and the Pacific Region*
- *Managing Minesite and Local Community Issues—The New Reality of Mineral Development*

**Professor Denise Antolini**, *Professor of Law and Associate Dean*, directed UH Richardson Law School’s nationally-renowned environmental law program for many years. She is an alumna of Princeton University and UC Berkeley where she was editor-in-chief of Ecology Law Quarterly. After a two-year federal district court clerkship in Washington, D.C., she spent eight years practicing public interest law with the Sierra Club Legal Defense Fund (now Earthjustice) in Seattle and Honolulu, serving as Managing Attorney of the Honolulu office from 1994 until 1996. Dean Antolini litigated several major citizen suit environmental cases involving coastal pollution, water rights, endangered species, environmental impact statements, and Native Hawaiian rights. She served on the legal team that represented the plaintiffs in the PASH (traditional and customary Native Hawaiian rights) decision and was lead counsel on the legal team for the Windward parties in the early stages of the Waiāhole Water case (1993-1995). After joining the faculty, she served as a member of the State Legislature’s Tort Law Study Group (1997-1999) and the PASH Study Group (on Native Hawaiian traditional and customary
In 2001, she served as Co-Chair of the "Managing Hawai`i’s Public Trust Doctrine" Symposium at the University of Hawai`i focusing on the State Supreme Court’s August 2000 Wai`ahole Water decision. In 2002-2003, she was the principal investigator of a year-long governance study on Hawai’i’s Marine Protected Areas for the State of Hawai`i, Department of Land and Natural Resources (DLNR). She then worked under contract to the National Oceanic and Atmospheric Administration (National Ocean Service, Office of Coast Survey), to modernize the Coast Pilot 7 for mariners in Hawai`i with new information on environmental, navigational safety, and homeland security statutes and regulations. Additionally, she was part of an inter-disciplinary team at the University of Hawai`i at Mānoa charged by the State Legislature in 2008 to conduct a two-year study of the state's environmental impact review system. She is the author of “Modernizing Public Nuisance: Solving the Paradox of the Special Injury Rule” (2001) and “Punitive Damages in Reality and Rhetoric: An Integrated Empirical Analysis of Punitive Damages Judgments in Hawaii 1985-2001” (2004). In 2007, she published a co-edited book (with Golden Gate Law Professor Cliff Rechtschaffen) with the Environmental Law Institute called Creative Common Law Remedies for Protecting the Environment. For further details, see https://www.law.hawaii.edu/personnel/antolini/denise

**Professor Maxine Burkett**, Associate Professor, teaches Climate Change Law and Policy, Torts, Environmental Law, International Environmental Law, and International Development. She has written extensively in the area of climate change law and policy from diverse perspectives with a particular focus on climate justice, exploring the disparate impact of climate change on vulnerable communities in the United States and globally. Professor Burkett has presented her research on the law and policy of climate change throughout the United States and in West Africa, Asia, Europe and the Caribbean. In 2010, she served as the youngest scholar holding the Wayne Morse Chair of Law and Politics at the Wayne Morse Center, University of Oregon, for the Center’s “Climate Ethics and Climate Equity” theme of inquiry. From 2009-2012, Professor Burkett also served as the inaugural Director of the Center for Island Climate Adaptation and Policy (ICAP). As the Director of ICAP, she led projects to address climate change law, policy, and planning for island communities in Hawai’i, the Pacific region, and beyond. For further details, see https://www.law.hawaii.edu/personnel/burkett/maxine.

**ASEAN + 3 Partners: Chinese Law, Japanese Law, and Korean Law**

**Professor Alison Conner**, Professor of Law and Director of International Programs, earned her doctorate in Chinese and South East Asian history at Cornell University and her law degree at Harvard Law School, where she specialized in Asian and comparative law and was a research fellow in the East Asian Legal Studies Program. After practicing on Wall Street, she taught law in Asia for twelve years, at the University of Nanjing’s Department of Law, at the Law Faculty of the National University of Singapore, and at the University of Hong Kong’s Faculty of Law, where she taught both Hong Kong and Chinese law. In 2004 she returned to China on her second Fulbright award and taught comparative law as a Fulbright
Distinguished Lecturer in Law at Beijing’s Tsinghua University. She has served as a fellow at the Woodrow Wilson International Center, a Chiang Ching-kuo senior scholar and a faculty member in the Salzburg Seminar. Professor Conner is a member of the American Society of Comparative Law and the International Academy of Comparative Law. In Hawaii, she has continued her involvement in international legal education and exchanges, including the Law School’s LL.M. Program for Foreign Lawyers and she now serves as director of international programs at the Law School. She writes on the Chinese legal profession, legal education and its history, and images of justice in Chinese movies. For further details, see https://www.law.hawaii.edu/personnel/conner/alison

Professor Lawrence Foster, Professor of Law and Former UH Richardson Law Dean, is one of the foremost experts on Chinese law and legal systems. Before obtaining his legal education, he received a Phd in Chinese Studies and has taught Chinese language and/or law at the University of Hawaii, Washington State University, and Peking University School of Transnational Law. He has lived, worked, and/or lectured extensively in Asia, and is President of the East-West Center Alumni Association and Member of the Governing Council of the Inter-Pacific Bar Association. For further details, see https://www.law.hawaii.edu/personnel/foster/lawrence

Professor Mark Levin, Professor of Law, is one of the foremost US experts in Japanese law. He joined the UH Law faculty in January 1997 from the Law Department of Hokkaido University in Sapporo, Japan. His interest in Japan began after his 1983 graduation from Yale Law School, when he worked in international business and financial transactions at Masuda and Ejiri, one of the leading Tokyo international law offices at the time. From 1984 to 1986, he clerked for U.S. District Court Judge John C. Coughenour in Seattle, Washington, and then practiced in Seattle for five years as a corporate attorney, representing numerous Japanese clients. Professor Levin also earned an LL.M. from the University of Washington's Asian Law Program (Japanese Law Emphasis) in 1990. In 1992, Professor Levin was one of the first recipients of a Blakemore Foundation Grant for Advanced Asian Language Study, which enabled him to study at the Inter-University Center for Japanese Language Studies in Yokohama for one year. This was followed by a Japan Foundation Fellowship for one year of research at the Tokyo University Faculty of Law. He was then invited to Hokkaido to become the first non-Japanese given full status as a faculty member at the law department there, teaching a variety of subjects concerning American law and advising graduate student researchers on related topics. Professor Levin's scholarly publications have considered diverse topics including smoking and tobacco regulation in Japan, legal education in Japan, and the legal circumstances of race and indigenous peoples in Japan. For further details, see https://www.law.hawaii.edu/levin
Professor Tae-Ung Baik, Associate Professor and Chair of Pacific-Asian Legal Studies, specializes on Korean Law and Legal Systems. Before coming to Hawaii, he had been Assistant Professor and Director of the Korean Legal Studies Program at the Faculty of Law, University of British Columbia (UBC) since 2003. From 2002-2003, he conducted research on human rights issues as a visiting scholar at Harvard Law School. Professor Baik teaches international law, international criminal law, human rights, comparative law, and Korean law. Dr. Baik was born in South Korea and graduated from Seoul National University College of Law. He earned his master (LL.M.) and doctoral (JSD) degrees on international human rights law from Notre Dame Law School in the U.S. He was admitted to the Bar in the State of New York, and worked for Human Rights Watch in New York as a research intern and later as a research consultant with a focus on human rights problems in both North and South Koreas. He served the South Korean Delegation to the 56th United Nations Sub-Commission on the Promotion and Protection of Human Rights as a legal adviser. For further details, see https://www.law.hawaii.edu/personnel/baik/tae-ung

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