
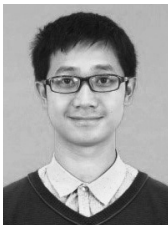


PhD Viva

Name	Mohammad Ershadul Karim	
Institution	Faculty of Law, University of Malaya, Malaysia	
Current Affiliation	Faculty of Law, University of Malaya, Malaysia	
Subject	Human Health and Environmental Implications of Nanotechnology in Malaysia: A Legal Study	
Language	English	
Supervisors	Professor Abu Bakar Munir	
Date	September 28, 2015	
Email	ershadulkarim@gmail.com	
Postal Address	House 8, Floor 8, Block 3, Vista Angkasa, Bukit Kerinchi, Kampung Kerinchi, Kuala Lumpur, 59200, Malaysia	
Mobile	+(60) 182 182 817	

Nanotechnology is often portrayed as the “Third Industrial Revolution.” The use of nanomaterials promises to develop things with almost any feature. Though there are significant knowledge gaps, some laboratory findings indicate that few nanomaterials widely used in different products may have adverse effects, due to which various countries have already assessed their legal framework. This research, first of this kind in Asia, has used cradle-to-grave life cycle approach and has identified, reviewed and assessed relevant Malaysian laws. It was found that municipal laws adheres to international standards, business community needs to obtain mandatory licenses with additional or special condition, and regulatory checks can be imposed in different stages. Thus, given the present state of scientific knowledge, Malaysian laws already contain adequate provisions to protect human health and the environment from any possible adverse effects of nanomaterials, and there is no immediate need to amend these. Nevertheless, the regulators need to update their knowledge, understanding and capabilities, and adopt some guidelines or guidance notes, develop substance and product registers. Malaysia’s involvement in the ASEAN can also be a blessing and any move through ASEAN will make the harmonization process in regulating nanotechnology faster in this part of the world.

Name	MoJingshu LI	
Institution	University of International Business and Economics	
Current Affiliation	Junhe Law Offices	
Subject	International Rules Coordinating Climate Change Mitigation and Trade	
Language	Chinese & English	
Supervisors	Professor Yongmin Bian	
Date	May 17, 2015	
Email	Shu891217@163.com	
Postal Address	Apt. 2-705, Zone 2, Anzhen Xili, Chaoyang Dist., Beijing, PRC 100029	
Mobile	+86 15201216009	
Key words	Climate change, Trade measures, International rules, Coordination	
<p>Trade policies can be employed to promote climate change mitigation (“CCM”) and to legalize trade measures targeted at climate change mitigation (“TMCCMs”). This paper defines the TMCCM, highlights three categories of measures promulgated, and analyzes the necessity to regulate TMCCMs with trade rules. It argues both multilateral rules regarding TMCCMs and recent WTO dispute settlement practices cannot provide enough clarification for TMCCMs’ legality. The paper further analyzes several possible approaches to improve the capacity to coordinate CCM and trade at the multilateral level and concludes that any would be effective but subject to uncertainty due to the nature of multilateral decision-making. It then turns to regional or bilateral agreements (“FTAs”) and finds that not a few countries have experimented more climate friendly rules in FTAs, offering different compromises to CCM that may act as building blocks for a global consensus and promote cooperation at both multilateral and FTA levels. By doing so, this measure may echo the need for a climate-friendly growth globally, as is for China, whose TMCCMs are the most frequently challenged in the WTO, whereas CCM responsibilities are repeatedly appealed for under the climate change regime.</p>		

Name	Yu SU (苏宇)	
Institution	Xiamen University School of Law, China	
Current Affiliation	Xiamen University School of Law	
Subject	The Communicative Dimension of International Law: With Special Focus on The Normativity in International Law	
Language	English & Chinese	
Supervisors	Prof. Cai Congyan & Prof. Patricia Wouters	
Date	May 23, 2015	
Email	raulhbsy@126.com	
Postal Address	School of Law, Xiamen University, No. 422 Siming South Road, Xiamen, Fujian Province, P.R. China, 361005	
Mobile	+86-15695928280	

The underlying argument of the thesis is that international law, in which the basis of obligation has traditionally been conceived to be state consent, can no longer rely on such a basis *only*, especially when dealing with issues of global concern. Instead, in a fast-changing global space, there is now full of risk and uncertainty, a plethora of actors have diverging or even conflicting interests and understandings, and normativity of norms are seriously threatened. International law now relies more and more on a thin layer of shared understandings among actors and normativity of norms develops on that basis. An analytical framework, i.e. communicative framework is put forward in the thesis. It believes that normativity grows from a thin layer of shared understandings, formed through the communicative action between various actors on multiple forums on different levels. The communicative framework is a cyclical framework which sees the operation of international law as a continued, non-stop process. Through application of the communicative framework to the normativity of international water law on the global, regional and bilateral level, this thesis concludes that international law has great potential for becoming essential tool for addressing global concerns.