

PhD Viva

Name	Xiaohan ZHANG (张晓晗)	
Institution	The University of Hong Kong Faculty of Law	
Current Affiliation	Postdoctoral Fellow of School of Law, Zhejiang University, China	
Subject	The Application of the Consumer Protection Principle in the UNCITRAL ODR Rules and its Implications for the ODR Practice in China	
Language	Chinese and English	
Supervisors	Prof. Yun ZHAO	
Date	September, 2018	
Email	zhangxiaohan@zju.edu.cn	
Postal Address	Zhejiang University Zhijiang Campus, 51 Zhijiang Road, Xihu District, Hangzhou City, Zhejiang Province, China	
Mobile	+86-176-8233-3016	

In the e-commerce era, litigation is often too expensive, complicated and time-consuming. Online Dispute Resolution (“ODR”), as a quick, cheap and amicable mechanism which better satisfies the needs of e-commerce, has been introduced and become increasingly appreciated by the e-commerce stakeholders. Despite the impressive growth of Chinese ODR platforms in practice (e.g., the Taobao Public Jury System and the Hangzhou Internet Court), relevant norms, standards and legal regulations that are indispensable for the long-term growth of ODR are still scarce in a broad way. The thesis examines consumers’ access to justice in the online marketplace. It provides a review on the UNCITRAL’s six years of negotiations over ODR and explores its deliberations on the ODR procedural rules. The rapidly evolving online market and the advancing information technology require ODR systems. A well-established ODR system does not simply apply offline dispute resolution procedures to the online world, but rather recreates and optimizes the entire set of dispute resolution procedures. The study proposes a centralized ODR platform which connects independent accredited ADR entities. The significance of such a platform is not only reflected in the resolution of conflicts, but its true value lies in the prevention and control of future disputes, the adjustment and improvement of trading mechanisms, and the positive promotion of the ecosystem of the entire e-commerce market. Achieving such a goal can be extremely difficult, but efforts must have to be taken if e-consumers are not to be left stranded.

Name	Yucong WANG (王毓聪)	
Institution	Kyushu University Law Faculty	
Current Affiliation	Kyushu University Law Faculty	
Subject	Indirect Expropriation in International Law: Approaches to Reconcile Contemporary Conflicting Interests of Foreign Investors and Host States	
Language	English	
Supervisors	Prof. Caslav Pejovic	
Date	September, 2018	
Email	yucong.wang.615@gmail.com	
Postal Address	804, 4-5-2, Hakozaki, Higashi-ku, Fukuoka, Japan	
Mobile	+81-8033733367	

Expropriation is a major and enduring topic in foreign investment law. The law concerning expropriation seeks to address the conflict between the interest of foreign investors to protect the financial value of their investments and the legitimate right of host States to regulate domestic affairs. Expropriation can occur direct and indirectly. Expropriation in the foreign investment context now occurs almost exclusively in the form of indirect expropriation. International investment law has developed to establish a clear definition and identification standard for direct expropriation, yet the determination of indirect expropriation remains contentious and a conundrum, especially in circumstances where States' regulatory measures are enacted for public welfare objectives.

This thesis examines the challenge of identifying indirect expropriation in the context of modern expectations that States regulate across an array of public interest topics, including health, environment, safety but also extending to cultural diversity and public morals. It seeks to identify the most appropriate approach for identifying indirect expropriation and enabling clear demarcation between State measures that amount to impermissible indirect expropriation and those that legitimately regulate matters of public interest and are therefore non-compensable under expropriation provisions.