

PREFACE

This is the second volume in the series *Yearbook Law & Legal Practice in East Asia* addressing the legal systems of East Asia. The series aims to provide an insight into some of the most topical issues in East Asian law and practice.

In a world which is becoming a global village due to the facility and speed of communications, the knowledge and comparison of various legal systems is acquiring an increasing practical as well as theoretical importance. This is certainly true for many East Asian countries, with their impressive economic growth.

The overall focus of the series is on legal aspects of doing business in East Asia. Legal issues of a more general nature may also be dealt with, where these are relevant for a better understanding of the particular legal culture concerned. The contributions mainly come from expert practitioners and scholars. Each year, however, one or two young law graduates will contribute.

The first volume of the *Yearbook Law & Legal Practice in East Asia* was presented to Mr Andreas van Agt, former Prime Minister of the Netherlands and former Head of Delegation of the European Commission in Tokyo and Washington, Mr Peter Lo, Special Representative of the Hong Kong Government in Brussels and Mr Tom de Waard, at that time Dean of the Dutch Bar Association, at Erasmus University Rotterdam on 7 September 1995.

In their speeches, Mr. Van Agt and Mr. Lo, stressed the need for further co-operation between Asia and Europe through, *inter alia*, exchange of knowledge. Their urge for further co-operation between Asia and Europe was echoed by the Asia-Euro Summit, which was held in Bangkok on 1 and 2 March 1996.

In this second volume Annie de Roo and Robert Jagtenberg report on the outcomes of the first Asia-Europe Summit and point to future perspectives. Their contribution is followed by that of Edwin Vermulst, who discusses the points of view of some Asian countries towards the EC anti-dumping policy.

Wong Kwok Yuen and Derek Roebuck attempt to explain the reluctance of the PRC Intermediate People's Courts to enforce foreign arbitral awards. The authors seek to ascertain to what extent this attitude may deter trade and investment. Immediately after the PRC introduced its policy of economic reform, government authorities realised that, unless foreign investors were well protected, no foreign capital or technology would be transferred. Upon this understanding, the PRC sent delegations to Europe to study the system of intellectual property protection. Guiguo Wang analyses China's intellectual property law system as it has developed so far.

The introduction of China's Open Door Policy has speeded up the development of the non-public sectors and thereby China's taxation system. Yufang Guo and Jinbiao Ji describe the evolution of China's taxation system.

The construction of Hong Kong's new airport is a massive enterprise. It is probably the largest infrastructural project in the world. Therefore, it is not surprising that there are many logistic difficulties causing disputes. Neil Kaplan, Convenor of the Dispute Review Group for Hong Kong's new airport, highlights the dispute resolution provisions for the Airport Core Programme.

The contributions on Japanese law address all three main areas of private law: ownership, contracts and torts. Akira Ishikawa focusses on the Land Lease and Building Lease Act of 1992. This law has improved the position of the landlords in lease contracts, and the position of land owners generally. As a consequence the supply of land available for *superficies* has increased, and the Act has thus contributed to a more lively real estate market in Japan.

Willem Visser 't Hooft claims that the preference of the Japanese to maintain long lasting, commercial relationships is sometimes overemphasised. In a highly competitive economy such as the Japanese, it is inevitable that unilateral terminations of long-term commercial contracts occur.

Merijn Boender addresses the phenomenon of consolation money awards. The author reviews a substantial number of court decisions pertaining to this subject, in various fields. He then proceeds to address the different theoretical underpinnings of consolation money that divide legal scholars in Japan today.

The focus of the remaining three contributions is on countries outside the ambit of the Law & Legal Practice in East Asia programme which originated this series. Yet, the interesting legal developments addressed fully justify their incorporation in this Yearbook.

Dae-Kyu Yoon analyses the fundamental issue of judicial reform in Korea, in view of the pressures generated by the process of economic globalisation. His analysis has obvious implications for other branches of the legal profession, and for legal education.

Hans Kleinsman contributes a pioneering survey on Cambodia. In this newly emerging market, much work still has to be done in building a consistent and satisfactory legal system.

Finally, Theodoor Bakker reports on the new Indonesian Company law. The comparative references in his treatise call attention to the usefulness of future opportunities for legal experts from Asia and Europe to exchange ideas and experiences about the laws and practice in designated areas.

Annie de Roo and Robert Jagtenberg