Editor’s Note

The editors of the Asian-Pacific Law & Policy Journal are proud to present our Fall 2013 issue (Volume 15, Issue 1). In this issue we are proud to present four articles centering on developing legal norms in China and South East Asia.

Georgetown’s Eric San Juan provides us with an incisive conceptual analysis of law in the post-Spanish-American War Philippines in his article *Cultural Jurisprudence*. San Juan produces a theory of cultural jurisprudence that reveals new and subtle ways in which the court system acted as a means of establishing American governance by reinterpreting the local norms. Analyzing Philippine case law as a “cultural artifact,” San Juan develops a theory of legal interpretation and jurisprudence that problematizes the neutrality of legal discourse, and forecasts other arenas in which his theory may prove illuminating.

Next, we present Heather Whitney’s survey of Vietnamese environment and water regulatory law in her article *Vietnam: Water Pollution and Mining in an Emerging Economy*. Whitney provides an overview of environmental regulation in Vietnam as it relates to its booming mining industry and the severe levels of water pollution that have accompanied it since the initiation of Vietnam’s Doi Moi policy. She identifies gaps in Vietnam’s water protection regime and provides recommendations for updating both the system of legal protections, and judicial and administrative enforcement mechanisms.

National Taiwan University’s Ching-Ping Shao’s *Representative Litigations in Corporate and Securities Laws by Government-Sanctioned Nonprofit Organizations: Lessons from Taiwan* introduces us to Taiwan’s innovative solution to securities litigation hurdles in civil law countries. In many civil law countries, fee structures and the burdens of litigation present obstacles preventing many investors from pursuing legal action against corporations, resulting in a lack of robust securities regulation enforcement. Shao details Taiwan’s introduction of a “government-sanctioned non-profit organization” to bear the burdens of pursuing derivative and shareholder class action lawsuits, thereby encouraging investor litigation and increasing overall securities enforcement.

Finally, we are proud to present *The Emergence of Private Property Law in China and Its Impact on Human Rights* by Mark D. Kielsgard and Lei Chen, both of the City University of Hong Kong. Kielsgard and Chen take a critical look at China’s progress in implementing international human rights norms. In particular, they focus upon the impact the introduction of private property rights, such as
protections against expropriation, and growing free market economy has had upon China’s increasing commitment to human rights norms. Lastly, Kielsgard and Chen provide policy recommendations to help combat social and political inertia that inhibits the development of these new norms.

We wish to thank all of our senior and staff editors who have worked so hard this year to see this issue to completion. Without their dedication and hard work this would not have been possible. Additionally, we would like to thank our good friend and advisor, Professor Mark Levin, for his invaluable guidance and support throughout this process.

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