

Centre for Asia-Pacific Initiatives
ANNUAL REPORT 1994-95



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#### **UVic Centre for Asia-Pacific Initiatives**

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The establishment of CAPI is an important part of the University's effort to expand and strengthen its links with universities and other institutions in the Asia-Pacific region, especially with China, Japan, the ASEAN countries of Southeast Asia, and the developing island states of the Southwest Pacific. It is intended that CAPI will enhance the University's growing reputation in these and other areas of the Asia-Pacific region. In the years to come CAPI will be available to all members of the University community, and of the larger community as well, with professional or business interests in these countries. In the various ways outlined below, the Centre will, above all, serve to facilitate participation in the study and treatment of current policy problems in the Asia-Pacific region as a whole, and especially in the countries designated above.

CAPI was established to fulfill six primary functions consistent with the general purposes described above:

- i) To serve as a *clearinghouse* for the collection and dissemination of information regarding forthcoming activities on campus, and in the community;
- ii) To provide a *forum* for the exchange of ideas and information among interested persons at the University, and to organize and publicize visits by specialists and other visitors with Asia–Pacific expertise;
- iii) To promote *publication and public information* activities appropriate to the University;
- iv) To organize and conduct short-and medium-term *projects* in teaching, training, research, and workshop or conference activity;
- v) To organize and administer long-term, cross-disciplinary *programs*, perhaps in collaboration with other relevant groups and institutions, on and off campus; and
- vi) To participate in *networks* of organizations and individuals sharing similar goals and interests.

## IRECTOR'S REPORT

In this space last year, we expressed our satisfaction in having our full Chair and staff complement in place for the first time in three years. This happy news coincided with the vote of confidence from the Senate Planning Committee for our next five years (to 1999) as an Approved Centre in the University of Victoria. As this Report recounts, this past year has indeed been a most productive and professionally rewarding year for the Centre.

Alas, however, the end of our academic year also marked the early retirement (by one year) of our esteemed Chair in Asia-Pacific Legal Relations, Dr. Douglas Johnston. Befitting a world-class legal scholar who moves easily between several disciplines, Douglas Johnston is leaving neither for the easy chair nor the library carrel. This October, for example, Dr. Iohnston will take up a special visiting appointment at the National University of Singapore as their special adviser on the law school's new Regional Graduate Program in Ocean Affairs and the Environment. Undoubtedly he will also use the fine NUS libraries to support his prolific scholarship for which he is so highly regarded in marine and coastal management, Asian and other cultural perspectives on international law and global environmental jurisprudence. The wealth of connections between strategic interests and regulatory realities will continue to be evident in Dr. Johnston's leadership association with the SEAPOL (Southeast Asia Program in Ocean Law, Policy and Management) project. The final arrangements are now being made with CIDA for its continued support of this unique research, training and networking program involving the full range of coastal and marine problems in Southeast Asia.

Dr. Johnston, we are most pleased to report, will remain closely connected to CAPI and the University of Victoria, particularly in our planned Law Summer Institute, as our Distinguished Senior Fellow. We are now seeking to recruit Dr. Johnston's successor as the Chair in Asia–Pacific Legal Relations, effective July 1996. In the meantime, the Centre is pleased to confirm the sabbatical appointment of Mark Buchanan, presently at the Faculty of Law, University of New South Wales (Sydney), as our first CAPI Law Visitor. An expert in Chinese, Australian and U.S. economic law, Mr. Buchanan will work with me and CAPI associate Ted McDorman in our Asia–Pacific Comparative Law course and pursue a full research agenda during his time at CAPI. An additional visitor appointment is expected shortly.



Bill Neilson and Dr. Le Minh Tam, Vice Rector, Hanoi Law University

For the Chair in Legal Relations, we are advertising globally. Our joint CAPI/Law Appointment Committee hopes to identify short-listed candidates by late September. Dr. Johnston's legacy of compelling scholarship, regional notoriety and dry wit will never be duplicated (we would like to take some credit for appointing him as our first Law Chair) but we will try our best to find a worthy successor.

CAPI was established in 1987-88 to expand UVic's links with universities, regional organizations and research institutes in the Asia-Pacific region. Picking up on the use of 'Initiatives' in our name, our raison d'etre has been to bring a proactive, outreach thrust to public policy concerns in the Asia-Pacific region. We are an interdisciplinary centre in which the three Chairs, the Director, Assistant Director and Associates manage a wide range of scholarly outputs whose only common element is their Asia-Pacific regional focus. 'Research' includes singular and collective scholarly work, applied strategy and policy reports, conferences and workshops, professional training programs, networking and collaborative exercises with other academics, policy advisers, think-tanks and professional organizations throughout the region. For all these reasons, CAPI is somewhat different from more mainstream Asian Studies centres. Each Chair and the Director hold joint appointments with their host Faculty and CAPI, performing their teaching and graduate supervisory responsibilities under the former umbrella.

At the same time, CAPI is an active unit on campus as well as offshore. Our double-barreled *Noon Hour Seminars* (the 'Brown Bag Specials'), featuring student and faculty presenters are now a familiar part of campus life from

September through April. The Campus Forum, held in October at its familiar site, Dunsmuir Lodge, attracted over fifty faculty, professional staff and graduate students to share experience and insights into their Asia-Pacific research, development activities and graduate studies. Then followed our February Students' Forum and our Student Asia-Pacific Essay Competition which attracted a record number of contenders this year. The same phenomenon was seen in the number of applications for our Faculty Research Development Grants which were awarded to five successful UVic faculty in October and April respectively.

CAPI support of significant Asia-Pacific research undertakings by UVic faculty took a big leap forward this past year with our award of the first CAPI Faculty Research Fellowship to Dr. Margot Wilson-Moore (Anthropology). Dr. Wilson-Moore won the Fellowship in a campus-wide competition and will use the release time afforded by the Fellowship to complete a major scholarly work on the social stigma of leprosy in Bangladesh, arising from her extensive field experience in that country over the past five years. The application deadline for the second Fellowship (tenable in 1996–97) has just expired as this Report goes to press. We have several excellent applicants, further proof of the compelling attractiveness of the Fellowship in supporting world-class scholarly output across a variety of disciplines in the University. CAPI's funding support for these several faculty and student endeavours may be traced back, in large part, to the academic entrepreneurship of the CAPI Chairs and Director through their recurring success in securing third party funding support for their Regional Programs. Their many 'initiatives' typically attract administrative and other overheads to CAPI for servicing the several projects. To the extent possible, these funds are allocated to our Program Development Fund which, in turn, provides the sustaining funds for our Fellowships, Research Grants, Student Essay Prizes, Forums and Occasional Papers series.

A most auspicious addition to these internally generated funds was a first-time corporate donation to CAPI by IVL Multimedia Ltd. of Victoria, a leading software developer. Out of gratitude to our Japan Chair, Dr. Bill Rapp, and Professor Robert Howell (Law) – who inaugurated a widely acclaimed course in Intellectual Property Management for both Business and Law students this year – and who helped the donor company in significant contract negotiations with one of Japan's largest companies, the first *British Columbia Intellectual Property Research Fund* was established with a \$15,000 grant from IVL. The Centre also made an effort this past year to connect with Victoria's off-campus Asianists on a regular basis through the inauguration of the CAPI *Circle Seminars*. Approximately thirty new friends from the

business, government, NGO and consulting communities have come to each of the first two Dinner Seminars. The first, held in April, featured the Director speaking on Why the Stork Gets Fat in Muddy Water in Vietnam, followed by Dr. Bill Rapp's presentation on The Real Japan Inc. in late June. The Series will resume in late September. Given the very encouraging response to our first two efforts, we plan to let the CAPI Circle roll along four times each year. Membership is open to interested persons on and off the campus in the Greater Victoria area.

May I record here our appreciation for the interest and support of our independent Executive Committee members – Dr. Harold Coward (Centre for Studies in Religion and Society), Dr. John Owens (Centre for Forest Biology), Dr. Chris Morgan (Pacific and Asian Studies), Dr. Margot Wilson-Moore (Anthropology), and Dr. Alex McAuley (Ex-Officio). Additional thanks are also due to the distinguished members of our External Advisory Committee for their wise counsel and helpful encouragement, particularly John Hepton (Petro-Canada Resources - Asia and the Middle East), Dr. Kimitada Miwa [past Director of the Institute of Canadian and American Studies, Sophia University (Japan)], and Susan Phillips (Vancouver Asia-Pacific consultant). On a personal note, I remain most grateful for the expressions of encouragement and support from campus colleagues on the occasion of my reappointment as Director through June 1997. Finally, and certainly not least, my Chair colleagues and I happily record here our appreciation to Assistant Director Barbara Duffield and CAPI secretary, Stella Chan for their excellent service to the Centre over the past year.

Professor Bill Neilson Iuly 1995



An Executive Committee advises on policy directions and contributes to achieving the goals and objectives of the Centre. The committee also functions as the evaluation committee for the CAPI Faculty Research Grants Program, the Fellowship Award, appointment of Associates, and possible collaboration on projects. Chaired by CAPI's Director, the committee includes the Associate V-P Research, one of the Chairholders, and three other UVic faculty members, who serve three–year terms on a staggered basis to provide continuity.

The 1994–95 members were: Drs. Chris Morgan, Pacific and Asian Studies; Ralph Huenemann, CAPI/Public Administration; Harold Coward, Director of the Centre for Studies in Religion and Society; John Owens, Director of the Centre for Forest Biology and Margot Wilson-Moore, Anthropology. The Director of CAPI, Bill Neilson, chairs the Committee. Dr. Alex McAuley, Associate Vice President, Research is an ex officio member, and the senior member of the Administration through whom the Director reports.

An External Advisory committee serves as a valuable resource to the centre for feedback on our work and extending our network. Members for 1994–95 were: Mr. John Hepton, Manager for Asia and the Middle East, Petro-Canada Resources (Calgary); Dr. David Bond, Vice-President, Government and Public Affairs and Chief Economist of the Hong Kong Bank of Canada; Dr. Karen Minden, Director of Policy Studies, Centre for Higher Education Research and Development, University of Manitoba; Dr. Kimitada Miwa, Director of the Institute of American and Canadian Studies, Sophia University (Japan); and Ms Susan Phillips, a Vancouver consultant, formerly Director of Public Affairs, Asia Pacific Foundation of Canada, with extensive experience in Japan and Southeast Asia.

Faculty and staff at CAPI include Professor Bill Neilson, Director and Professor in the Faculty of Law; Dr. Douglas Johnston, Chair in Asia–Pacific Legal Relations and Professor in the Faculty of Law; Dr. Ralph Huenemann, Chair in Economic Relations with China and Professor in the School of Public Administration; Dr. Bill Rapp, Chair in Economic Relations with Japan and Professor in the School of Business; Ms Barbara Duffield, Assistant Director; and Ms Stella Chan, Secretary.

Stronger links have been forged with colleagues on campus through seven new CAPI Associateships (two were already in place). Attached to CAPI through their projects and involvement in the regular activities of the Centre, such as conferences and publications, Associates strengthen and build CAPI in new areas.

Dr. Derek Ellis, Biology and Professor Ted L. McDorman, Faculty of Law, continue as CAPI Associates. New Associates are Drs. Jim Boutilier, Pacific and Asian Studies and Royal Roads; Tim Craig, Business; Philip Dearden, Geography; Kathlyn Liscomb, History in Art; Margot Wilson-Moore, Anthropology; Yuen-fong Woon, Pacific and Asian Studies; and Ms Isabel Kelly, international development consultant.

Professor Douglas Johnston is leaving us to pursue other endeavours, continuing his long and illustrious career. We are optimistic that we will see Dr. Johnston regularly as he will continue his association with UVic and CAPI as our Distinguished Senior Fellow.

The search for a replacement for Dr. Johnston is underway, and we have filled a visitorship appointment in the interim with **Professor Mark Buchanan** of the New South Wales University.



Each Chair and the Director is responsible for their own Regional Program consisting of research, lecturing, training, conference and network components. As well, there is a fifth Program under the direction of CAPI Associate, Dr. Derek Ellis. Each Program, in large part, is externally funded from a variety of sources.

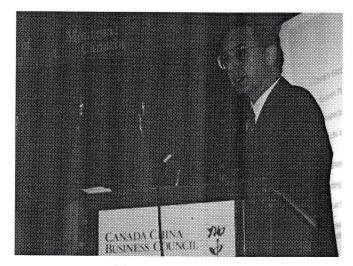
## PROGRAM 1: SINO—CANADIAN TRADE AND INVESTMENT IN THE GLOBAL CONTEXT

Program Director: Dr. Ralph Huenemann

The subject focus of this program is the economy of China, particularly its trade and investment linkages with the global economy, including the bilateral linkages with Canada. The program encompasses research, teaching, and training components.

The primary activity in this program at present is a project titled Strengthening the Trade and Investment Database for Sino-Canadian Economic Relations. This project, which is a collaborative effort involving UVic and the Conference Board in Canada and the State Information Center in Beijing, is a component of the Applied Economic Research Institutes Linkages (AERIL) Project, funded by CIDA. As an initial step, informal surveys of data users' needs were carried out in China and Canada. A more detailed survey of Canadian corporations' investment intentions in China was also implemented. Detailed trade and investment data were gathered from Statistics Canada, the Chinese Customs Administration, the Ministry of Foreign Trade and Economic Cooperation, the Census and Statistics Department of the Hong Kong Government, and other relevant agencies. These rich data sources have now been consolidated into a Chineselanguage database on diskette, which is available from the State Information Center. The question of how best to serve the needs of English-language users is being studied. With the aid of the database, researchers in Canada and China are now exploring a variety of topics of interest to policymakers and business people. Completion and publication of this research will be a key task in the coming months.

Also under the auspices of the project this past year, Ms. Yilei Liang completed her Master's degree in Economics at UVic, and three young researchers from the State Information Center spent two months in Victoria and Ottawa gaining familiarity with the work of economists in Canada. As part of the Prime Minister's visit to Beijing in November, Dr. Huenemann spoke to an audience of several hundred Canadian business people about the prospects for



Ralph Huenemann speaking at the Canada-China Business Council

... for 1993, the Chinese data show exports to Canada of Can. \$1,550 million, while the Canadian data show imports from China of Can. \$3,088 million. Fully half the eastbound flow has gone missing from the Chinese records ...

> Ralph W. Huenemann Deficit Deficit, Who's Got the Deficit?

Sino-Canadian economic relations, and he returned to Beijing in May to make a presentation on the same subject for an audience of Chinese policymakers and executives.

The past year also witnessed the final activities of the UVic-UBC collaborative project with three universities in Shanghai, which was funded by CIDA under the Canada-China Management Education Program - Phase II. Professor Tang Shiqiang was a visiting scholar at UVic's School of Public Administration during the summer and fall. In November Dr. Huenemann and his UVic colleague Dr. Rod Dobell travelled to Shanghai to present a one-week executive development workshop on project evaluation, codes of conduct for civil servants and other topics of interest to municipal officials. In December the same audience of Shanghai municipal officials visited Victoria for another week of presentations, focussed on the management of public enterprises. UVic faculty members Drs. Rich Mimick of Public Administration and Anming Zhang of Economics made significant contributions to the workshop in Victoria, as did many senior B.C. public servants.

Not directly related to these two projects, but complementary to them, Dr. Huenemann is serving on the local arrangements committee for the next meeting of the Pacific Forum on Trade and Development (PAFTAD), which will be held in Ottawa in September 1995.

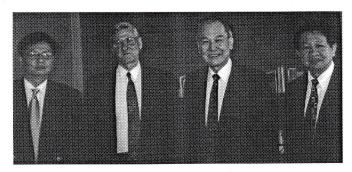
## PROGRAM 2: COASTAL AND MARINE PROBLEMS IN ASIA—PACIFIC

#### Program Director: Professor Douglas Johnston

This CAPI initiative is centred in the Southeast Asian Program in Ocean Law, Policy and Management (SEAPOL), which is now in its 14th year. SEAPOL encompasses research, training and information activities related to the entire range of coastal and marine management problems in the Gulf of Thailand confronting the littoral states of Malaysia, Thailand, Cambodia and Vietnam. Phase III of SEAPOL, within the framework of APOC (CIDA's Asia Pacific Ocean Cooperation Project), was completed on March 31st, 1995. A proposal for renewed funding submitted to CIDA in July 1994 was approved in principle in March 1995. Details for APOC II (and SEAPOL IV) are being negotiated throughout the summer and fall of 1995. APOC is expected to begin Phase II officially in the winter or spring of 1996 after the processing of tenders for the APOC project management contract under CIDA's Open Bidding System. During the present interim period a budget has been approved by CIDA with a view to keeping the SEAPOL Secretariat in operation in Bangkok.

In addition the Canadian Minister of Foreign Affairs and International Trade in April granted a contract for \$105,000 to enable SEAPOL to carry out a preliminary ocean policy and management needs assessment in Cambodia, as requested by the Cambodian Ministry of Foreign Affairs. This project is due to begin in August 1995. It is hoped that Debbie Burnip, the former administrative assistant to CAPI, who is currently living in Cambodia, will be available to assist the Cambodian Foreign Ministry with local organizational arrangements for this project, which includes a visit by a team of ocean policy and management specialists drawn from Canada, Australia, and various Southeast Asian countries.

The final program activity of SEAPOL III was held in Bangkok in December 1994. This initiative, designed by Douglas Johnston around the common ocean policy and management concerns of Northeast Asia, Southeast Asia, and the Southwest Pacific, attracted over 200 specialists from these three regions. This was the first inter-regional conference of this kind, covering all aspects of ocean policy and management in a program that consisted of over 20 plenary and parallel sessions. Participants included many senior government officials, including three Cambodian cabinet ministers from Phnom Penh. A report on this conference was published by SEAPOL in February 1995, and a collection of selected papers will be available in the summer of 1995. SEAPOL plans to organize similar inter-regional initiatives in the coming years because of the inter-regional implications of the entry into force of the 1982 UN



Dr. Chumporn, Acting Dean of the Law School at Chulalongkorn University, Prof. Douglas Johnston, former PM Anand Panyarachun and Dr. Phiphat Tangsubkul

Convention on the Law of the Sea and the global commitment to Chapter 17 of Agenda 21, which was adopted at the UN Conference on Environment and Development (UNCED) held at Rio in 1992.

During his half-year sabbatical in 1994, Professor Johnston spent three months in residence at Princeton University as Visiting Fellow at the Woodrow Wilson School of Public and International Affairs, where he conducted research in the area of treaty-making and the law of treaties. He expects to complete his monograph on this topic at the end of August 1995. His work on the relationship between the environmental provisions of the 1982 UN Convention on the Law of the Sea and the ocean provisions of Agenda 21 has resulted in several articles and conference papers. With the collaboration of Professor Gerry Ferguson, he continued editorial arrangements for the completion of a collection of chapters on legal development trends in the Asia–Pacific, which is scheduled for completion in the fall of 1995.

Professor Johnston will remain as busy as ever in his "retirement", with activities scheduled for SEAPOL, a six-month term at the National University of Singapore Law School, and work on forging a partnership with IUCN, NUS and SEAPOL.

It is possible to convince oneself that a collision between the UNCLOS III and UNCED mind-sets is inevitable, at three distinct levels of analysis: the ideational, behavioral, and institutional.

Douglas M. Johnston UNCLOS III and UNCED: A Collision of Mind-Sets?

## PROGRAM 3: ECONOMIC AND PUBLIC LAW DEVELOPMENT IN SOUTHEAST ASIA

#### Program Director: Professor William Neilson

The Program incorporates a variety of research, teaching, training, drafting and advisory initiatives concerned with the relationship between legal systems, governance frameworks and the development of political economies in Southeast Asia. Interdisciplinary connections include law, economics, political science, public administration and environmental studies. The research, training and advisory elements directly parallel Professor Neilson's study interests in law reform systems, governance and institutional design, comparative investment and trade policy and compliance modelling.

In June 1995, the two-year Canada-Vietnam Legislation Drafting and Management Program was completed. Funded by CIDA and partnered with the Law Committee and the Office of the National Assembly of Vietnam, the Program involved the preparation of four model Laws, the delivery of two intensive teaching programs in Hanoi in July 1994 and Ianuary 1995 to Vietnamese legislation specialists, two study visits to Victoria by six senior Vietnamese law drafters, the development of a legislation policy manual and the first legislation course syllabus for Vietnamese law schools. Professor Neilson directed the Program, joined by Law colleagues, Professors Gerry Ferguson and Margot Young, Coordinator Allan Neilson-Welch, Chief Legislative Counsel Brian Greer of British Columbia and fellow legislative counsel, Robert Adamson, Claire Reilly, Janet Erasmus, Grant McCurdy, Ken Chutskoff and Attorney General policy analyst Ruth Rogers.

The Program produced a model Law on Law-making and a draft Administrative Disputes Resolutions Ordinance, with supporting Requests for Legislation, drafted in both the Vietnamese and B.C. styles. The draft laws and their supporting policy documentation are particularly sensitive to Vietnamese constitutional and government practice. There is good reason to believe that both products will materially influence significant 'Rule of Law' legislative initiatives expected from the National Assembly and the Government in Hanoi in 1995–96.

Research generated by the Vietnam Legislation Program included Professor Neilson's paper Vietnam's Doi Moi Legal System: Pushing the Limits of Rapid Legal Change which may be found in Vietnam and Japan – Japanese Investment and Aid Strategies in Vietnam: Implications for Development Directions (Barbara Duffield editor, CAPI 1995), constituting the papers from CAPI's November 1994 Conference under the same title. Separate papers on Vietnam's Law-making System and The Prospects for Vietnamese Self-Sufficiency in

Legislative Drafting and Management were also produced for circulation and comment.

A successor Legislation Policy Program for Vietnam is under advanced consideration with the Ministry of Justice and the Office of the National Assembly, with the support of the UN Development Program and the Asia Foundation. Previous research and training assistance with the new National Environment Agency of Vietnam led to a request in May–June 1995 to host an extended study visit by the Deputy Director (International Cooperation) of the Ministry of Science, Technology and Environment. In early May, Professor Neilson made a presentation on Vietnam's fledgling Environmental Protection Act to the First National Conference on Socio-Environmental Management at Nha Trang.

At the request of the Vietnam Sustainable Economic Development Program (VISED), Professor Neilson provided advisory and technical assistance on the formation of the new Economic Courts and will be one of two Canadian teachers at the first educational workshop for new Administrative Court Judges in Hanoi and Ho Chi Minh City this coming October. Papers based on research arising from these advisory projects were presented on a variety of occasions by Professor Neilson, including the Seventh Conference of the International Academy of Commercial and Consumer Law (St. Louis), the Northwest Consortium for Southeast Asian Studies Conference (Seattle), the first CAPI Circle Dinner Seminar (UVic) and seminars sponsored by two international law firms in Bangkok.

In July 1995 a major text, the *Vietnam Investment Law Manual* (Asia Law and Practice, Hong Kong), was published under the co-authorship of Professor Neilson, Allan Neilson-Welch and Douglas K. Thompson.

Ongoing Program research commitments include a paper on The Asean Legal Framework and Vietnam's Membership (Asean Economic Bulletin), the Promotion and Regulation of Competition in S.E. Asia (a chapter for a forthcoming Law Faculty book), and a first Assessment of Vietnam's Economic Courts, scheduled for the spring of 1996.

The objective of transforming Vietnam into a 'rule of law' state is a long-term one. Vietnam's progress in producing a basic framework of economic law over the past five years has been impressive. However, the pace of reform, aggravated by the multiplicity of enactments, has caused uncertainty, and an inadequate administrative infrastructure has given 'doi moi' acute legal indigestion.

Bill Neilson Vietnam's 'Doi Moi' Legal System: Pushing the Limits of Rapid Legal Change

## PROGRAM 4: JAPANESE MULTINATIONAL'S PACIFIC BASIN INITIATIVES IN A GLOBAL COMPETITIVE CONTEXT

Program Director: Professor Bill Rapp

During 1994–95 Professor Rapp continued implementation of his 5 year program encompassing research and training related to various aspects of trade, investment, and competition in the Pacific Basin involving Japanese MNCs. Since these companies are global players, this program incorporates the multinational competitive context within which they operate and by which they are influenced. Intellectual property, foreign direct investment, and technology are integrating themes because they represent the cutting edge of Japanese MNCs' strategic interests and competitive activities in the region and largely determine trade and financial flows.

The research has expanded to an examination of specific firms within an industry and their competitive interaction and strategic development relative to other Japanese firms and foreign competitors such as in software, automobiles and finance. Important current policy and business management issues emerging from this research involve foreign direct investment, technology, and intellectual property rights. Professor Rapp was also successful in raising funds for this work as it relates to intellectual property from IVL Multimedia, a Victoria based high technology firm.

This work also includes the inter-university research project involving Columbia University and the University of Washington on Japanese policies, strategies, and competition in computer related software under a grant from the Japan-US Friendship Commission and the Center for International Business Education and Research. This is the concluding year of the two year project which examined large Japanese software developers and users to determine the origins of their business practices and how they compete as corporations in the computer related software market. These methods and procedures are now being compared and contrasted to those of their US and to a lesser degree European counterparts, and will provide government and industry with critical perspectives on how Japanese firms compete in this industry and the effectiveness of Western competitors in managing this information. The final report will be submitted in August. Professor Rapp plans to complete a book on the Japanese software industry over the next twelve months.

With Professor Robert Howell of the Law School, Professor Rapp offered a new joint course in the Law and Business Schools on Managing Intellectual Property which was successfully carried out during this past Spring semester. The course, while global in scope, had a strong Asian element because of Japan's MNCs' intense worldwide interest in acquiring, controlling, and exploiting technology as well as due to recent policy confrontations over intellectual property between the US and various Asian nations such as China and Thailand. As part of this program, we were successful in inviting Professor John Haley of the University of Washington to give several presentations in Victoria during March of this year. Thus we are continuing to position the University as a leader in the fast growing area of international intellectual property and emerging IP issues in the Pacific Basin, including the interaction between business, public policy, and international tax. Professors Howell and Rapp intend to produce joint articles based on material that has emerged from the course.

Professor Rapp, with Professor Howell, will organize a workshop for the Fall of 1995 on issues involving intellectual property with respect to computer software and Japan. It is tentatively planned for September 30th, during the meeting of the Canadian Association of Japanese Studies. The preliminary title is "Japan, Computers and Intellectual Property: Strategic Policies in an Era of Rapid Technological Change."

In addition, Professor Rapp accompanied Mr. Imamura, Executive Director of the Japan Users Association for Information Systems, on his trip to the US to gather information and interview large software users last year.

... Aggressive proactive strategies represent a role change for Canada. Yet, if capturing the attention of Japanese companies is a goal, it is also the critical choice.

Bill Rapp Capturing Japan's Attention: Canada's Evolving Economic Relations with Japan

#### PROGRAM 5: JOINT TRAINING PROGRAM BETWEEN THE UNIVERSITY OF VICTORIA AND THE UNIVERSITY OF THE SOUTH PACIFIC, FIJI, ON MARINE POLLUTION ASSESSMENT AND CONTROL

Program Director: Professor Derek V. Ellis

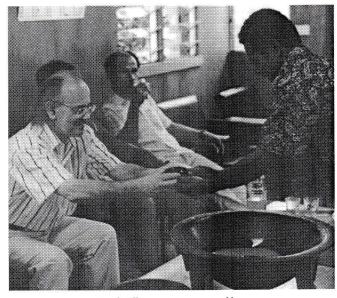
The program objective is to improve the capability of USP to train scientists in marine pollution assessment and control through workshops, courses and work-term placements. This is the fourth year of the five year project, which is funded by CIDA.

During 1994/95, three workshops were presented in the region. The major workshop (in cooperation with the Institute for Applied Science) was on assessment and control of potential marine pollution from the proposed Namosi mining development in Fiji. The second workshop was held at the USP Centre in Kiribati on benthic assessments, and the third was on analytical methods for the contaminant Tributyltin.

The B.Sc. degree credit course developed in the project is titled Marine Pollution. The course was taught for the second time March–June 1995 by Dr. Ed Anderson, UVic's scientist on campus at USP. A substantial amount of oceanographic and computer instrumentation has been purchased for this course over the past year. The course has been integrated into the regular course offerings and will be taught routinely after this project is completed. Dr. Anderson participates in pollution assessment projects with USP staff from the Institute for Applied Science, working with them to increase their skill levels in practical applications. He also teaches in regionally funded workshops.

Through the scholarship and professional development component, the project has supported Mr. M. Maata as a Ph.D. candidate at USP. Mr. Maata benefitted from a four month work term in Victoria during this past year.

The program supports four-month assignments allowing two UVic Co-operative Education Assistants each year to undertake marine pollution assessments or data review for control purposes in the South Pacific. The assistants also participate in the training process for the USP Co-operative Education Project. One UVic assistant was located at the Institute of Applied Sciences, and the other at the USP Atoll Research Laboratory, Kiribati. Undergraduate work terms have been developed for USP students in pollution assessment, and over the past year four students participated in the program.



Derek Ellis receiving a cup of kava at the Institute of Applied Sciences, USP

The program routinely involves two universities (UVic and USP), and several Departments or Institutes in each. In addition, the Environment or other appropriate Ministries in each nation, and SPREP (the South Pacific Regional Environment Program) become involved in the Co-operative Education, Short course/Workshop projects, and employment of the graduating student participants. The College of Higher Education, Solomon Islands, has again participated this year.

In the final full year of the project, it is expected that Mr. Maata will complete his Ph.D, and will then be the sole regional analyst for Tributyltin contamination. A coastal eutrophication project will be restarted and expanded this year, under the direction of Dr. P. Gangaiya, USP Co-Director, who will spend a three month work-term at UVic July-September 1995.

Dr. Ellis edited and co-authored a multi-authored volume in Marine Georesources and Geotechnology on Submarine Mine-Tailings Disposal, due to be released in July. This work incorporates pollution assessment and control at the Misima Gold Mine and the Bougainville Copper Mine, Papua New Guinea, and the Atlas and Marcopper Mines in the Philippines.

## PROGRAM 6: COMMUNITY DEVELOPMENT AND CAPI COMMUNICATIONS AND ADMINISTRATION

#### Assistant Director's Program: Barbara Duffield

Over the past year, Barbara Duffield has supported the work of the Centre in its programs on campus such as the newsletter, Campus Forum, Brown Bags and seminars. The major task of the year was the organization of the Vietnam–Japan conference, and the editing and in-house publishing of the proceedings. The introductory chapter summarizing the themes of the conference was written by Ms Duffield. The CAPI Asia–Pacific student committee was established and will continue this year following a positive evaluation from the participating students.

Administrative support was provided to the Marine Pollution Assessment and Control Program, directed by Dr. Derek Ellis, with Mr. Phil Hoover undertaking record-keeping responsibilities.

Ms Duffield continued her work in community development, serving on a number of non-profit Boards and committees including the International Policy Committee of the YM/YWCA, Victoria, the British Columbia Council for International Cooperation, and the Canadian Council for International Cooperation. During this period of government funding cutbacks, the fundamental issue of revisioning and restructuring the NGO international development community is of major concern.

The Indonesia-Canada Forum (ICF), a CIDA-funded project on NGO development in both countries, works to benefit marginalized communities in Indonesia, principally at this stage by strengthening NGO's capacity. Ms Duffield sits on the Canada Working Group, the advisory body of NGOs in Canada for the project, and attended the steering committee meeting in Jakarta in May. With other community partners, she implemented a project on women's rights as human rights in Indonesia and Canada. This linked the James Bay Community Project (a Victoria based community resource centre) and the Sekretariat Bersama Perempuan Yogyakarta (Secretariat for Gender Issues in Yogyakarta) on strategies for grassroots organizing and advocacy around gender issues. Through the ICF, she participated on a steering committee reviewing a commissioned study on the linkage of development and human rights.



The education and public outreach mandate of CAPI was successfully fulfilled through the following conferences, workshops, lectures and Brown Bag Luncheon presentations:

#### Brown Bag Lunch Series

Lunch hour presentations were organized for an on-campus audience, with guest lecturers from UVic and visitors from Asia-Pacific, both academics and government officials. Speakers are listed below:

Dr. William Rapp, CAPI/School of Business, *The Collapse of Japan Inc.*, September 29, 1994.

Mr. Julian Gresser, International attorney, negotiator, consultant, author and investor, from California, *Negotiation Strategies for Japanese Business Success*, October 13, 1994.

Dr. Do Duc Dinh, Head Developing Economies Study Department, Institute on World Economy, Hanoi, Asian Capitalism and Vietnam's Economic Prospects, November 15, 1994.

Dr. Michael Bodden, Department of Pacific & Asian Studies, Workers Theatre and Theatre about Workers in Indonesia, November 22, 1994.

Dr. Hua Lin, Department of Linguistics, Chinese Dialects, February 2, 1995.

Dr. Philip Cook, School of Child & Youth Care, Application of UN Convention on the Rights of the Child to Health Care for Children in India, February 9, 1995.

Dr. Douglas Johnston, CAPI/Law, Trends in Ocean Management: Perspectives from SE Asia, the North Pacific and the South Pacific, February 16, 1995.

Dr. Derek Ellis, Department of Biology, Some Needs for Marine Environmental Impact Assessment in the Asia Pacific Region, February 28, 1995.

Prof. John Haley, Director, Asian Law Program, University of Washington, Seattle, After Graduation? Asian Grad Studies and Employment Opportunities, March 13, 1995.

#### CAPI Circle

Bringing together friends and associates in Greater Victoria who share an interest in current events and policy developments in Asia–Pacific, CAPI initiated an informal evening event that combines dinner and a presentation. There is time for networking and discussion among campus and community people. The first two evenings featured:

Bill Neilson, Vietnam's Difficult Development Prospects or Why the Stork Gets Fat in Muddy Water, April 11, 1995

Bill Rapp, The Real Japan Inc., June 20, 1995

## • Campus Forum on Asia–Pacific (October 15, 1994)

Nearly fifty UVic faculty, staff and students, with guests from Camosun and Langara Colleges, participated in the Campus Forum at Dunsmuir Lodge. Seventeen reports were made on projects – research and training. Over lunch, participants had an opportunity to talk with others who work in the same region of Asia.

#### • The 1994 Lam Lecture (November 17, 1994)

The Fifth Annual Dorothy and David Lam Lecture was delivered by Dr. Do Duc Dinh, Institute on World Economy, Hanoi, speaking on "Vietnam's Development Strategy: Growth with Equity." His talk formed the keynote address to the major CAPI-organized conference on Japan and Vietnam.

### • Vietnam and Japan Conference (November 17–19, 1994)

Vietnam and Japan-Japanese Investment and Aid Strategies in Vietnam: Implications for Development Directions was organized and co-chaired by Bill Neilson, Bill Rapp and Barbara Duffield. Funding was obtained from the Japan Foundation and CIDA. Speakers represented the Centre of Social and Human Sciences of Vietnam, the Vietnam Ministry of Foreign Affairs and the State Committee for and Investment, Co-operation Export-Import Bank of Japan, the Thailand Development Research Institute, and the Asian Development Bank. Scholars from Waseda University, University of British Columbia, University of Alberta, Columbia and the University of Washington participated.

### • Student Forum on Asia–Pacific (February 4, 1995)

The theme for this second Student Forum was *Chinese Interpretations of Western Institutions*. An audience of about sixty listened to a range of ideas and opinions on how western business, legal and medical practices have been absorbed and interpreted in China today.

#### CAPI Campus Seminars

Dr. Violeta B. Lopez-Gonzaga, Institute for Social Research and Development, University of St La Salle – Bacolod, Philippines; 1994 SEAMEO-Jasper Fellowship Award Winner, People Initiated Environmental Education, Rehabilitation and Conservation Program: A Case Study of Cauayan Negros Island, Philippines, November 8, 1994.

Mr. Marius Grinius, Director of the SE Asia Division, Foreign Affairs and International Trade, Ottawa, Perspectives on S.E. Asia from the Department of Foreign Affairs and International Trade, November 30, 1994.

Mr. Kabini Sanga, Head of School, School of Education & Cultural Studies at the Solomon Islands College of Higher Education, *Culture and Education and International Cooperation*, in co-operation with the South Pacific Peoples Foundation, February 8, 1995.

Prof. Naoyuki Yoshino, Department of Economics, Keio University, Japan, Postwar Economic Development of Japan and the Role of Government Banks – Its Past and Future; Prof. Nobuhiro Hiwatari, Department of Political Science, University of Tokyo, Change and Continuity in the Japanese Party System, March 15, 1995.



Vietnam-Japan Conference participants

• Student Brown Bag Lunch Series

The CAPI Student Committee organized a regular series of lunch time presentations by UVic students for fellow students on their experiences in Asia – research, work terms, study terms and other topics of interest. The purpose is to facilitate networking among students from different departments and to stimulate ideas for their own activities in Asia in the future.

Nong Tungittiplakorn and Anak Patanavibool, Geography graduate students, *Thai Hill Tribes and the Opium Trade*, September 27, 1994.

Rebecca Morris and Louise Voglar, Pacific and Asian Studies, Student Life in China and Japan, October 5, 1994.

Jeremy Poole, Law School, Co-op Law Term in Southeast Asia, October 11, 1994.

Alan Cassels, School of Public Administration, A Day in the Life of a UN Peacekeeper in Cambodia, October 19, 1994.

Wayne Swanson and Kira Hillidge, Business, *Employment in the Asia–Pacific Region after Graduation*, November 2, 1994.

Evelyn Shaw, Ian McIntyre and Vince Sisko, Engineering, Coop Workterms in Japan: Contrast between Urban and Rural Environment, November 8, 1994.

Danny Chin, Pacific and Asian Studies, Cross Cultural Race Relations in Singapore and Canada, November 16, 1994.

Peter Sammarco, Pacific & Asian Studies, Developing a Small Trading Company: Do's and Don'ts of Business in Asia, January 8, 1995.

Dr. Ri-hui Long and Mr. Willo Jordon, *Magic Needles*, *Magic Spirit Herbs*, February 1, 1995.

Barry Larson, School of Business, Japanese Decision-Making – Understanding the Nemawashi – Does Consensus Mean Agreement?, February 8, 1995.

Bernard Henin, Geography, Rural Development and Agrarian Change in China, Laos and Vietnam, February 15, 1995.

Melanie Johnson, Law School, Ups and Downs of a Workterm in Ho Chi Minh City, March 1, 1995.

## ETWORKING, COLLABORATION AND SUPPORT SERVICES TO THE UNIVERSITY AND OTHER COMMUNITIES

The CAPI mandate includes "initiating" projects, research, and linkages among the UVic community with other communities, whether in the Asia–Pacific region or locally. On campus, the Centre performs a co-ordinating role, serving as an information network.

#### FACULTY RESEARCH DEVELOPMENT GRANTS

Grants are allocated in support of four research themes, namely: the 'democracy' research theme, research related to other public policy issues in the region, research leading to the development of university courses in the Asia–Pacific field, and other research topics. Awards are tied to visible outputs such as the preparation of a grant proposal submission or a working paper completed within one year of receiving the grant.

Five grants were awarded in 1994-95 to:

Dr. Philip Cook, Child and Youth Care, Traditional Knowledge, Biodiversity and Youth Democratization in Siberut, Indonesia.

Dr. Philip Dearden, Geography, Highland Impoverishment in SE Asia.

Dr. Kate Frieson, Pacific and Asian Studies, Democratization Trends in Cambodia Post–UNTAC: Reality or Illusion?

Dr. Sang Hoon Nam, Business, Cultural Roots of Economic Performance of Korean Firms.

Dr. Anming Zhang, Economics, Economics for a Transitional Economy: The Case of China's Aviation Industry.

#### FACULTY FELLOWSHIP

Dr. Margot Wilson-Moore, Anthropology, was awarded the first CAPI Fellowship. She will use the release time to write on her field work in Bangladesh with the Danish-Bangladesh Leprosy Mission. The project, entitled "The Social Cultural Context of Leprosy and its Treatment in Bangladesh", was supported with a CAPI Research Grant in 1991, and Dr. Wilson-Moore has continued her work there since then. The project documents the social nature of leprosy stigma, the ways in which stigma affects the day-to-day experiences of leprosy patients and the impact of stigma on patient treatment-seeking behaviour. Dr. Wilson-Moore moves to the CAPI offices July 1, 1995.

#### COMMUNICATIONS PROGRAM

The CAPI Newsletter, Asia-Pacific News, was established early in CAPI's history and is now published in September, January, and May. Contributions are solicited from all faculty and staff to exchange updates on their work. Articles include UVic initiatives such as the award of honourary degrees to distinguished individuals from Asia, conference notes and reports on research and seminars. Faculty publications, awards and travel grants are noted, and upcoming events are publicized. Contributors to a "Comment" section elaborate on research in progress. The Newsletter is also distributed to an off-campus mailing list of over 600 organizations and individuals, promoting the Centre and UVic activities to a global audience.

The Occasional Papers Series was launched in mid-summer 1993. The purpose of this series is to encourage the dissemination of research on the Asia-Pacific which may not be published elsewhere or reflects work in its early stages. CAPI solicits contributions from UVic faculty, graduate students and academic colleagues anywhere in the world.

#### **CAPI STUDENT INITIATIVES**

CAPI has established an *Annual Student Essay Prize* of \$500 to encourage excellence in student research in the Asia–Pacific region. Those papers selected for the CAPI Prize may be published in our Occasional Papers Series. The third annual competition was held in May 1995. The Prize was awarded to Drew Duncan, Law, with Honourable Mention to David Long, Pacific and Asian Studies, and Deirdre Jackson, History in Art.

A CAPI Student Committee with representatives from six departments – Pacific and Asian Studies, Geography, Law, Business, Engineering and Public Administration – met regularly. The mandate of the committee is to organize the annual student forum on Asia–Pacific, arrange a lunchtime seminar series for students, and facilitate networking and information exchange among students across campus. The second CAPI Asia–Pacific Student Forum, held February 4, 1995, was on Chinese Interpretations of Western Institutions.

#### ASIAN STUDIES LIBRARY COMMITTEE

The Asian Studies Library Committee focussed its work this year on developing book lists and films, to be purchased for McPherson Library. CAPI performed a co-ordinating role for the committee, assisting Chair Kathlyn Liscomb, History in Art, and other members of the committee, Ralph Croizier, History, Tim Craig, Business, Phil Dearden, Geography, Hua Lin, Linguistics, Carl Mosk, Economics, Peter Vandergeest, Pacific and Asian Studies, replaced by Daniel Bryant in mid–year, Robert Bedeski, Political Science, Margot Wilson-Moore, Anthropology, and Donna Signori, McPherson Library.

#### OTHER NETWORKING AND SUPPORT SERVICES

CAPI members provide a variety of support services to the campus and other educational and professional communities. These services are directly related to their CAPI positions, and serve to strengthen the Centre's involvement and profile in academic and professional communities.

#### Ralph Huenemann

- Member, Editorial Boards: Pacific Affairs, Hong Kong Bank of Canada Papers on Asia
- External Reviewer: China Economic Forum, World Bank, Canadian Journal of Development Studies
- Member, Canadian organizing committee, PAFTAD (Pacific Forum on Trade and Development)
- Member, UVic Shastri Committee
- Lecturer on "Inner and Outer Mongolia" for lecture series in conjunction with B.C. Royal Provincial Museum exhibit on the Legacy of Genghiz Khan

#### Douglas Johnston

- Advisory Board, UVic Environmental Studies Program
- Advisor to the President, UVic-UN University linkage
- Principal organizer, 5-year faculty project, Legal Development in Comparative Perspective: Asia-Pacific Studies
- North American Regional Governor, International Council on Environmental Law
- Editorial Advisory Board, Ocean Development and International Law, Ocean and Coastal Management, and International Journal of Estuarine and Coastal Law
- Board, Maritime Awards and Scholarship Society (Canada)
- Advisor on graduate studies Faculty of Law, National University of Singapore

#### Bill Neilson

- Chair, UVic-Chulalongkorn Faculty Exchange Selection Committee
- UVic International Activities Committee (Associate Vice President, Academic)
- Advisor to the President, Taiwan-Hong Kong-Thailand Relations
- Chair, Faculty of Law Overseas Student Programs Chulalongkorn Exchange and Asia-Pacific Co-op Placements
- Nominee, 1995 Law Service Award
- Ad Hoc Graduate Studies Committee Response to UVic Mission Statement
- Chulalongkorn Law Faculty Summer Academic Program

- Advisor, Chulalongkorn Law Faculty Master of Arts Law and Business Program
- External Assessor, Faculty of Law, University of Malaya
- Editorial Boards: Canadian Competition Policy Record, International Journal of Consumer Policy and Canadian Business Law Journal
- Simon Fraser University Faculty Dismissal Arbitrator
- Mexico-NAFTA Pacific Rim Research Network
- Canada-APEC Research Network
- Member, International Academy of Commercial and Consumer Law

#### Bill Rapp

- · Director, Japan Fund
- Member, UVic Japan Advisory Committee
- Steering Committee, PRISM Conference on Inter University Research in the Pacific Region
- Senior Associate, Columbia University Centre on Japanese Economy and Business
- Steering committee member for the Canadian Association of Japanese Studies conference to be held in Victoria September 29th to October 1st on Japan and the Information Society

#### Barbara Duffield

- Treasurer, B.C. Council for International Cooperation
- Member, International Development Policy Committee, Victoria YM/YWCA
- Member, Indonesia-Canada Forum, Canada Working Group
- Board, Canadian Council for International Cooperation



#### Professor Ralph Huenemann

- "Deficit, Deficit, Who's Got the Deficit?", Canada-China Business Council Newsletter, Jan.-Feb. 1995.
- "Canada-China Trade Outlook", presented at AERIL Symposium, Beijing, May 24, 1995.
- "Understanding the Sino-Canadian Trade Data", presented at Conference Board of Canada, Ottawa, April 20, 1995.
- "Inner and Outer Mongolia: The Current Situation", presentation for UVic Continuing Studies, Victoria, March 23, 1995.
- "Where Do We Go from Here?", presentation at Canadian Chamber of Commerce and Canada China Business Council, Vancouver, Feb. 9, 1995.
- "Sino-Canadian Bilateral Trade: Recent Developments and Future Prospects", presentation at Canada-China Business Council, Beijing, Nov. 8, 1994.
- "An Update on the Chinese Economy", presented at the B.C. Trade Development Corporation, Vancouver, Oct. 28, 1994.

#### Professor Douglas Johnston

- "UNCED: The Coastal and Ocean Challenge," in Koh, K.L., R.C. Beckman, and Chia Lin Sien, eds., Sustainable Development of Coastal and Ocean Areas in Southeast Asia: Post-Rio Perspectives (Singapore: National University of Singapore, 1995).
- "UNCLOS III and UNCED: A Collision of Mind-sets" in Davis, Bruce, and David L. VanderZwaag, eds., Marine Policy Issues and Developments in Canada and Australia (London: Graham and Trotman, 1995).
- "Protection of the Ocean Environment: Competing Views of the Implementation Process," in Cicin-Sain, Biliana and Katherine A. Leccese, eds., *Implications of Entry into Force* of the Law of the Sea Convention for U.S. Ocean Governance (Newark, Del.: University of Delaware, 1995).

#### Professor Bill Neilson

- with Douglas K. Thompson and Allan Neilson-Welch, *The Vietnam Investment Manual*. Asia Law & Practice, Hong Kong [forthcoming 1995].
- "Vietnam's *Doi Moi* Legal System: Pushing the Limits of Rapid Legal Change", in Barbara Duffield, ed., Proceedings of *Vietnam and Japan: Investment and Aid Strategies: Implications for Vietnam's Development*. Centre for Asia–Pacific Initiatives, University of Victoria, B.C. Canada, 1995.
- "Why the Vietnamese Stork Gets Fat in Muddy Water", paper presented at the first CAPI Circle Dinner, April 11, 1995 and at seminars at Baker & McKenzie and Tilleke & Gibbins law firms, Bangkok, June 1995.
- "Vietnam's New Environmental Protection Act: Implementation Challenges", paper presented to the Comparative Socio-Economic Aspects of Environmental Management Conference (Nha Trang), May 1995.
- CIDA Report on "The Prospects for Vietnamese Self-Sufficiency in Legislative Drafting and Management: The Sustainability Factor", February 1995.
- With Brian Greer and Janet Erasmus, "Law on Enactments Project including Request for Legislation and Model Law" for the Vietnam Legislation Program, January 1995.
- "Vietnam's Economic Law Renovation", paper presented at the Seventh Conference of the International Academy of Commercial and Consumer Law, St. Louis, August 1994, and at the Northwest Consortium of Southeast Asian Studies, University of Washington, November 1994.

Professor Bill Rapp

- "Capturing Japan's Attention: Canada's Evolving Economic Relation with Japan," *Benchmarking the Canadian Presence in East Asia*, Wendy Dobson, ed., Centre for International Business, University of Toronto. Presented as a paper at conference at the University of Toronto under the sponsorship of the Hong Kong Shanghai Bank of Canada, June 1995.
- "The Strategic Evolution of the Japanese Software Industry," University of Michigan, Association of Japanese Business Studies Annual Meeting, and participated in a panel discussing Japanese economic and business studies June 1995.
- Review Article on "Economic, Industrial and Managerial Coordination between Japan and the USA", *Journal of Japanese Studies*, Summer 1995.
- Presentations on course on "Managing Intellectual Property" at the NIBEN Conference in Seattle, February 1995.
- "The Strategic Evolution of Japan's Software Industry Government Policies, Industry Initiatives and User Economics: an Evolutionary Perspective," paper presented Japan Economic Seminar, Columbia, February 18, 1995
- "Japanese Producers and the Strategic Development of Vietnam's Automobile Industry," in Barbara Duffield, ed., Proceedings of Vietnam and Japan, Japanese Aid and Investment Strategies in Vietnam: Implications for Development Directions, Centre for Asia Pacific Initiatives, University of Victoria, B.C., Canada, 1995.

Review Article on "Zaibatsu," Journal of Asian Studies, August 1994.



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