

SUMMARIES

Christoph Antons: Ansätze zur Analyse asiatischen Rechts und die Suche nach einem generellen Konzept

ASIEN, (April 1995) 55, S. 5-16

The current analysis of law in Asia is more or less divided between a "black letter" approach that is common especially in fields of commercial law and largely ignores the way in which law is applied in practice and socio-legal approaches that focus very often on "traditional aspects" of a legal system and prefer fields of law where such a tradition exists like family law or land law. However, these two approaches can be combined to get a more meaningful picture of law in the Asia-Pacific region. Western law was introduced by the countries of this region not deliberately but either due to colonisation or foreign pressure. As a result, Asian legal systems are still very pluralist and consist of different sub-systems of "Western", "traditional", religious and informal laws. However, these different sub-systems tend to influence each other and the result is very often neither entirely "Western" nor "Asian". Furthermore, it seems to be important to understand the way in which "Asian developmental states" use law as an administrative instrument to further the process of economic development. In this approach, the notion of individual rights is largely neglected. Asian law, therefore, is in the process of developing its own distinctive features and is not merely a mirror of a Western system.

Detlef Radke: Deutsch-vietnamesische Kooperationsbeziehungen - die ungenutzten Chancen

ASIEN, (April 1995) 55, S. 17-26

Since the beginning of the "Doi Moi policy" in 1986 the Vietnamese government has been very successful in reshaping the Vietnamese economy. In the long run, Vietnam will probably become a new growth centre in Asia. Despite intensive efforts on both sides, the German-Vietnamese relationship does not reflect the dynamism of Vietnam's internal development. Trade relations have been improved slightly, but still remain in a marginal zone. Vietnam's trade relations to other developing countries, in particular in the Asian region, are developing much faster. In the field of direct investment, German companies hold rank 28 only. Development co-operation policy is after four years still in the stage of planning. Only few projects have started to operate. The case of Vietnam is a matter of concern, because it underlines the structural deficiencies of Germany to strengthen its position in Asia.

Dagmar Keiper: Politische Rahmenbedingungen der Reform des indischen Staatssektors

ASIEN, (April 1995) 55, S. 27-41

Within the Structural Adjustment Program de-regulation and privatisation of the public sector is an important issue, especially in India where this sector is the fundamental and dominant element of the development model since independence. The implementation of the governmental public sector reforms is confronted with institutional problems and political criticism articulated and performed by the reform opponents in the bureaucracy, trade unions, and in the political parties.

De-regulation of the public sector means also to provide economic and institutional solutions for the widespread phenomenon of the so called "sick units". In the rehabilitation process various governmental and legal institutions with overlapping responsibilities are involved. This legal frame constitutes lengthy decision making processes and delays. Therefore the existing administrative structure is in itself a major obstacle for the reform implementation. Furthermore the political power structure which created the public sector as the dominant constant within the political system still exists.