CONTENTS

ARTICLES

The President Refuses to Cohabit: Semi-Presidentialism in Taiwan
Thomas Weishing Huang 375

Judicial Intervention in International Arbitration: A Comparative Study of the Scope of the New York Convention in U.S. and Chinese Courts
Jian Zhou 403

COMMENTS

CNOOC-UNOCAL and the WTO: Discriminatory Rules in the China Protocol Are a Latent Threat to the Rule of Law in the Dispute Settlement Understanding
Thomas P. Holt 457

Korean Environmental Regulations: Ready to Take On One of the World’s Largest Private Real Estate Development Projects?
Joon H. Kim 489

China International Economic Trade Arbitration Commission in 2006: New Rules, Same Results?
Benjamin O. Kostrzewa 519

To Charge or Not to Charge, That Is Discretion: The Problem of Prosecutorial Discretion in Chile, and Japan’s Solution
Kirtland C. Marsh 543

Genetically Modified Crops in the Philippines: Can Existing Biosafety Regulations Adequately Protect the Environment?
Christina L. Richmond 569

Trading the People’s Homes for the People’s Olympics: The Property Regime in China
Theresa H. Wang 599
ABOUT THE **PACIFIC RIM LAW & POLICY JOURNAL**

THE PACIFIC RIM LAW & POLICY JOURNAL (ISSN 1066-8632) is published three times a year by students of the University of Washington School of Law. Phone (206) 543-6649, Facsimile (206) 685-4457. Address all correspondence to Pacific Rim Law & Policy Journal, University of Washington School of Law, William H. Gates Hall, Box 353020, Seattle, WA 98195-3020.

Member, National Conference of Law Reviews.

**SUBSCRIPTIONS:** Subscriptions in the United States and Canada, covering three issues per volume, are US $35 per year and US $45 elsewhere. Subscription requests should be directed to the address above. Single issues and back volumes are available from William S. Hein Co., Inc., 1285 Main Street, Buffalo, New York 14209. Phone (800) 828-7571, Facsimile (716) 883-8100. Domestic claims for non-receipt of issues should be made within 90 days of the month of publication, overseas claims within 180 days. Thereafter back issue rates will apply. Overseas delivery is not guaranteed.

**CITATION:** Cite as: PAC. RIM L. & POL’Y J.

**MANUSCRIPTS:** The Pacific Rim Law & Policy Journal welcomes the submission of articles that focus on domestic law or policy in a Pacific Rim nation or an issue of international or comparative law that relates to one or more Pacific Rim nations. Of particular interest to the Journal are articles that make use of foreign-language sources otherwise unavailable to English-language readers. The Journal also welcomes the submission of English translations of Asian-language legal materials and legal scholarship. If any part of a manuscript has been published previously, or is to be published elsewhere, the author must include this information at the time of submission. Citations should conform to A UNIFORM SYSTEM OF CITATION (18th ed. 2005) unless common sense dictates otherwise. For detailed submissions guidelines, please visit our Web site at: http://www.law.washington.edu/PacRim.

**COPYRIGHT:** Copyright 2006, Pacific Rim Law & Policy Association. Except as otherwise specifically provided, the author of each article in this issue has granted permission for copies of his or her article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and the Pacific Rim Law & Policy Journal are identified on each copy, (3) proper notice of copyright is affixed to each copy, and (4) the Pacific Rim Law & Policy Journal is notified of the use. Requests for reprint permission should be directed to Penny Hazelton, Business Manager, Pacific Rim Law & Policy Journal.

**LIBRARIANS:** Prior to Volume 4, issues are designated as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer 1992</td>
<td>Vol. 1, No. 2</td>
<td>June 1994</td>
<td>Vol. 3, No. 1</td>
</tr>
</tbody>
</table>

Beginning with Volume 4, each issue is designated by a month, year, volume, and number, and is consecutively paginated.
OFFICERS OF ADMINISTRATION

Mark A. Emmert, B.A., M.A., Ph.D., President of the University
W. H. Knight, Jr., B.A., J.D., Dean, Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library and Computing Services, Professor of Law
Gregory Hicks, B.A., J.D., Associate Dean for Faculty and Academic Administration, Professor of Law
Sandra E. Madrid, B.A., M.A., Ph.D., Assistant Dean for Students and Community Development
Paul Moredock, B.S., M.S., Assistant Dean for Development and External Relations
Naomi Sanchez, B.S., M.S.W., Ed.D., Assistant Dean for Career Services
Francis W. (Bill) Thornton, A.A., B.A., Director of Finance and Administration

FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.
William T. Burke, B.S. J.D., J.S.D.
G. Meade Emory, B.A., J.D., LL.M.
Robert L. Fletcher, A.B., LL.B.
John Huston, B.A., J.D., LL.M.
Arval Morris, B.A., M.A., J.D., LL.M., LL.D.
Cornelius J. Peck, B.S., LL.B.
John R. Price, A.B., LL.B.
Marjorie D. Rombauer, B.A., J.D.
Charles Z. Smith, B.S., J.D.
Frank W. Smith, Jr., B.A., J.D., LL.M.
William B. Stoebuck, B.A., M.A., J.D., S.J.D.

FACULTY OF LAW

Craig H. Allen, B.S., J.D., Judson Falknor Professor of Law, Washington Law School Foundation Scholar
Kim Ambrose, B.A., J.D., Lecturer, Child Advocacy Clinic Supervising Attorney
Helen A. Anderson, B.A., J.D., Assistant Professor of Law
Robert T. Anderson, B.A., J.D., Assistant Professor of Law, Native American Law Center Director
David Andrade, B.A., M.A., Ph.D., Assistant Professor of Law
Thomas R. Andrews, B.A., M.A., J.D., Professor of Law
Robert H. Aronson, B.A., J.D., Professor of Law
Kathryn M. Battuello, B.A., J.D., M.P.H., Research Assistant Professor of Law
Karen Boxx, B.A., J.D., Associate Professor of Law
Steve P. Calandrillo, B.A., J.D., Professor of Law
Thomas D. Cobb, B.A., M.A., M.A., J.D., Lecturer
Kate Corcoran, B.A., M.S., J.D., Lecturer
William Covington, B.A., J.D., Assistant Professor of Law, Technology Law and Public Policy Clinic Director
Samuel A. Donaldson, B.A., J.D., LL.M., Associate Professor of Law, Graduate Program in Taxation Director
Dwight Drake, B.S., J.D., Acting Associate Professor of Law
Jonathan A. Eddy, B.A., J.D., Professor of Law, Afghanistan Legal Educators Project Manager
Hualing Fu, LL.B., M.A., D.Jur., Visiting Professor of Law
Julia Ann Gold, B.A., J.D., Senior Lecturer, Mediation Clinic Director
Robert W. Gomulkiewicz, B.A., M.A., J.D., Associate Professor of Law, Intellectual Property Law and Policy Program Director
James H. Hardisty, B.A., LL.B., Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law, Law Librarian
Gregory A. Hicks, B.A., J.D., Professor of Law
Roland L. Hjorth, A.B., LL.B., Dean Emeritus, Garvey Schubert & Barer Professor of Law
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Lecturer
Maureen A. Howard, B.A., J.D., Assistant Professor of Law, Trial Advocacy Program Director
Linda S. Hume, B.A., J.D., Professor of Law
Stewart M. Jay, A.B., J.D., William L. Dwyer Professor of Law
John M. Junker, B.A., J.D., Professor of Law
Lisa Kelly, B.A., J.D., Professor of Law, Child Advocacy Clinic Director
Alan Kirtley, B.A., J.D., Associate Professor of Law, Director of Clinics
W. H. Knight, Jr., B.A., J.D., Dean, Professor of Law
Richard O. Kummert, B.S., C.P.A., M.B.A., LL.B., D. Wayne and Anne Gittinger Professor of Law
Patricia C. Kuszler, B.A., M.D., J.D., Charles I. Stone Professor of Law, Multidisciplinary Initiatives Director
Don Jaster, B.A., J.D., Assistant Professor of Law, Professor of Law
Clark Lombardi, B.A., M.A., J.D., Ph.D., Assistant Professor of Law
Deborah Maranville, B.S./B.A., J.D., Professor of Law and Public Health Genetics
Kathleen M. McGinnis, B.A., J.D., Senior Lecturer
Jacqueline McMurtrie, B.G.S., J.D., Assistant Professor of Law, Innocence Project Northwest Clinic Director
Paul Steven Miller, B.A., J.D., Professor of Law
Joel Ngugi, LL.B., LL.M., S.J.D., Assistant Professor of Law
Peter Nicolas, B.A., M.P.P., J.D., Professor of Law, Washington Law School Foundation Scholar
Sean M. O’Connor, B.A., M.A., J.D., Assistant Professor of Law, CASRIP and Intellectual Property Law and Policy Program Associate Director
Kathleen M. O’Neill, B.A., J.D., Associate Professor of Law, Basic Legal Skills Director
Roy L. Prosterman, B.A., J.D., Professor of Law, Rural Development Institute President, Law of Sustainable International Development LL.M. Program Director
Anita Ramasastry, B.A., M.A., J.D., Associate Professor of Law, Shidler Center for Law, Commerce and Technology Director
Beth E. Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law
Michael Robinson-Dorn, B.A., J.D., Assistant Professor of Law, Kathy and Steve Berman Environmental Law Clinic Director
William H. Rodgers, Jr., B.A., J.D., Stimson Bullitt Professor of Environmental Law
Eric Schnapper, B.A., B.Phil., LL.B., Professor of Law, Pendleton Miller Chair in Law
Scott A. Schumacher, B.A., J.D., LL.M., Assistant Professor of Law, Low-Income Taxpayer Clinic Director
Kristen A. Stilt, B.A., J.D., Ph.D., Assistant Professor of Law
Toshiko Takenaka, B.A., LL.B., LL.M., Ph.D., W. Hunter Simpson Professor of Law, CASRIP and Intellectual Property Law and Policy Program Director
Veronica L. Taylor, B.A., LL.B., LL.M., Professor of Law, Asian Law Center Director
Michael E. Townsend, B.A., Ph.D., J.D., Associate Professor of Law, Adjunct Associate Professor of Philosophy
Philip A. Trautman, B.A., J.D., Professor of Law
Lea B. Vaughn, A.B., J.D., Professor of Law
Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law
Ron J. Whitener, B.A., J.D., Assistant Professor of Law, Tribal Court Criminal Defense Clinic Director
Jane Kaufman Winn, B.Sc., J.D., Professor of Law, Shidler Center for Law, Commerce and Technology Co-Director
Louis E. Wolcher, B.A., J.D., Charles I. Stone Professor of Law, Faculty Development Director
Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Assistant Professor

ADJUNCT AND AFFILIATE FACULTY

Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law
Marc J. Hershman, A.B., J.D., Adjunct Professor of Law
Nancy S. Jecker, B.A., M.A., Ph.D., Adjunct Professor of Law
Michael W. McCann, B.A., M.A., Ph.D., Adjunct Professor of Law
Steven G. Olswang, B.A., J.D., Ph.D., Adjunct Professor of Law, Vice Provost
Saadia Pekkanen, B.A., M.A., Ph.D., Adjunct Professor of Law
Susan H. Whiting, B.A., Ph.D., Adjunct Associate Professor of Law
Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law