EDITOR’S NOTE

This year has been an exciting year for the *Asian-Pacific Law & Policy Journal* (APL&PJ). Articles published by the journal are increasingly used in classrooms and included in newly published textbooks. *APL&PJ* also sponsored a symposium entitled ‘*Protecting Indigenous Identities: Struggles & Strategies Under International & Comparative Law*,’ which was a huge success. Our symposium was held on Thursday February 24th at the Center for Hawaiian Studies and on Friday February 25th at the William S. Richardson School of Law. The keynote speech by Professor Rebecca Tsosie was well attended by over 80 people, and approximately 85 people attended the two panels on Friday. Attendees included students and faculty from our law school and upper campus, as well as community members. Articles and transcripts from the symposium will be published in our next issue.

The topics covered by the articles in this issue range from Australia’s refoulement policies to newly enacted laws in Japan. In the leading article, Professor Savitri Taylor examines the Australian government’s policies and handling of asylum seekers who attempt to find refuge in Australia. The author argues that despite becoming a part of customary international law, the prohibition of refoulement still needs to be dealt with and reexamined. She focuses on the Australian government’s refoulement policies and its ‘Pacific Solution’ as an example of “burden sharing” being used as a “deceptive rhetorical veil.” The author concludes the article with an example of true burden sharing.

Professor Mark Levin’s article was originally published in 2004 in Japan as part of the “Tobacco Free *Japan: Recommendations for Tobacco Control Policy Project.” In this article, Professor Levin looks at the tug-of-war between the strong line of legislatively established industrial policy and the weaker administrative tobacco control policy in Japan. He further considers the future of tobacco policy in Japan in reference to the Framework Convention on Tobacco Control.

Kenneth M. Davidson provides insight into competition laws in countries with developing economies focusing on Indonesia, as well as guidance on how to build effective competition laws through comparisons and examples from the United States and Europe. The article concentrates on the structural issues of how to frame an effective and comprehensive competition law and examines
procedures that are likely to be the most effective in developing economies.

In addition to the articles by outside contributors, there are two exciting articles written by William S. Richardson School of Law students in this issue. The first article is by Christopher Chaney who argues that the Falun Gong asylum cases represent a flaw in the United States immigration laws concerning refugees. He asserts that refugee petition adjudicators in the United States are forced to accept the United States Department of State’s politically motivated descriptions of the Falun Gong’s situation in the People’s Republic of China and grant asylum to those that do not fit into the definition of refugee.

The second student article, by Kahikino Noa Dettweiler, explores the Native Hawaiian gathering rights jurisprudence of the Hawai`i Supreme Court. He considers the degree to which the Justices’ ethnicity enhanced their perspectives, and he examines the evolution of gathering rights cases in Hawai`i, concentrating on the rulings made while Chief Justice William S. Richardson and Justice Robert F. Klein were members of the Hawai`i Supreme Court.

This issue also contains the transcripts of Fred Korematsu’s speech delivered in 2004 at the Patsy Mink Tribute held at the University of Hawai`i at Manoa’s William S. Richardson School of Law. He shared his experiences leading up to internment during World War II, and his fight for justice in overturning his conviction, with a packed audience that overflowed into the law school courtyard. Sadly, Mr. Korematsu passed away before this transcript could be published. Although he is no longer with us, his legacy and strength continue to live on in every person who stands up for their rights and for justice.

Finally, the last article of this issue is a translation of Japan’s Quasi-Jury (Saiban-in) Law, known as the Act Concerning Participation of Lay Assessors in Criminal Trials. The translation is by one of APL&PJ’s frequent contributors, Professor Kent Anderson, and his co-author Emma Saint. This law creates a new quasi-jury or mixed-court system in Japan, signaling a return to an affirmative role for common citizens in the Japanese justice system as well as a significant departure from how justice has been exercised in Japan over the past sixty years. Japan’s experience under the enactment of this new law will provide another model from which other countries will be able to measure and compare both the macro-efficacy and the micro-efficiency of their own systems.
The staff of APL&PJ worked tirelessly to put this issue together while planning our symposium. As Editor-in-Chief, I would like to thank everyone on the staff for their hard work and dedication to the journal. On behalf of APL&PJ, I would also like to thank our faculty advisors Professors Ronald Brown, Lawrence Foster, and Mark Levin. Finally, we extend our gratitude to Visiting Scholar Masaki Igawa for his invaluable help and advice.

Enjoy the articles in Volume VI, Issue 1, and please visit us again when we publish our next issue which will be centered around the topics and issues discussed during our symposium, ‘Protecting Indigenous Identities: Struggles & Strategies Under International & Comparative Law.’