Introduction

In this the eighth year of the Asian-Pacific Law & Policy Journal’s (APLPJ) existence, we have undertaken a number of exciting projects that will further our reputation as one of the leading student-edited U.S. journals dedicated to legal issues in Asia and Oceania. APLPJ is very busy planning a symposium that will be held in April 2007 to discuss the legal issues expected to arise in the event a pandemic afflicts Hawai‘i. Considering the huge impact that a worldwide epidemic could have on Hawai‘i’s health care system, tourism industry, and population in general, and because the William S. Richardson School of Law is the only ABA-accredited law school in the Pacific-Asia region, we believe that it is only appropriate that we do our part to help prepare for such a disaster. Second, we are proud to announce our upcoming participation in Kyushu University’s second annual law conference to be held in February 2007 regarding Corporate Governance in Asia. At this conference legal scholars from Chuo Law School, the School of Law at Duke, Kyushu University, the Law School of Peking University, and Seoul National University will present their thoughts on the “convergence theory,” which contends that Far East corporations are transplanting Anglo-American corporate governance mechanisms as a means of reform. Additionally, APLPJ has agreed to publish the papers that will come out of this conference over the ‘07-‘08 academic year.

And we are very excited about our Fall 2006 issue. Practitioner Andrew White presents an analysis of the contextual factors that determine the extent to which administrative corruption is antithetical to economic growth. In his article he compares the debilitating effects of corruption on the Indonesian economy, which siphons off and misallocates resources and discourages foreign direct investment, with the case of China, where the government’s use of corruption as a tool of the State has arguably encouraged economic development, at least in the short-term.

The second article, by Trevor Ryan of the Australian National University College of Law, examines Japan’s 2004 pension reforms. Although this is a critique of the Japanese government’s response to the growing crisis in its pension system, we believe that it can also provide valuable insight to other industrialized nations who must inevitably grapple with similar issues brought about by their own aging populations.

Next, we have a comment by Kansas University JD candidate Katie Lula, who proposes an iconoclastic approach to the current international copyright legal system, arguing that in order to encourage creativity by its citizens, States should provide them with some incentive other than an economic one. Comparing Western European, American, and Chinese copyright legal systems and the cultural and social values embodied within them, the paper concludes that the concept of modern international copyrights as shaped by Western thought is out of touch with the true incentives that inspire artists.

This issue also features the first in what we hope will be a series of student translations of Juristo’s annual overview of important judicial decisions in Japanese constitutional law. Each year, Juristo—a widely read Japanese legal magazine—publishes an annual review of major case decisions by subject area, with an introduction by a leading scholar in the field. APLPJ would like to thank the author of the original Japanese, Professor Teruki Tsunemoto of Hokkaido University, for providing our writers with this wonderful opportunity to apply their foreign language skills while learning about the major issues being addressed by the Supreme Court of Japan.

We are also delighted that Professors Kent Anderson (Australian National University) and Yasuhiro Okuda (Chuo University) have asked us to publish their translation of Japan’s recently revised private international law or conflict of laws statute. We published their translation of the original statute back in 2002 and we are honored that we have been again asked to publish the translation of these prominent scholars.

Finally, continuing on last issue’s theme of transitions in Chinese law, we have an article by Lawrence Cox of the City University of Hong Kong, who examines the religious disenfranchisement of China’s internal migrant workers. In particular, he argues that the commoditization of these migrant workers and the
discriminatory approach of China’s urban registration system (*hukou*), with its attendant cultural biases, are having a profound impact on freedom of religion for this growing, floating population.

APLPJ would also like to express its sincere gratitude to JD students Kotoba Kanazawa and Shinichi Nozaki and recent LL.M. graduate Chie Hashimoto for generously donating their time in helping us check the many foreign language sources cited to in this issue. Publishing this issue would literally have been impossible without their help and we feel truly fortunate that the Williams S. Richardson School of Law has such a diverse student body full of talented, friendly individuals willing to lend a helping hand.

Finally, we would like to thank all the board members, staff editors, and staff writers for their outstanding effort and teamwork. We are lucky to have such a diligent group of people and would like to acknowledge all their hard work and extra hours.

Nicole Dela Vega  
Daryl Takeno  
Editors-in-Chief, APLPJ 2006-07