Editor’s Note

The Asian-Pacific Law and Policy Journal is proud to complete its tenth year of publication. Over the past ten years, the journal has strived to contribute to the academic discourse surrounding legal issues in Asia and the Pacific by publishing articles by both students and established scholars, as well as by both domestic and international authors. By any measurable standard, our exclusively online journal has been successful: we have seen a steady increase in readership, article submissions, and citations to our published articles. However, we have also grown in less quantifiable ways: our reputation and visibility in the academic community continues to broaden, and our editorial board constantly reassesses and revises the editorial process to ensure the most efficient and satisfying experience for both authors and staff. It is due to the support of our faculty advisors, the hard work of our editorial staff, and the interest of our readers that we are able to celebrate our ten-year anniversary, and we hope that this tripartite support continues in the future.

This year, under the leadership of Editor-in-Chief Doris Tam, APLPJ continued its mission of advancing scholarship and understanding regarding the Asia-Pacific region. Doris worked countless hours on both the journal publication and our symposium, sacrificing her time and sanity to ensure that this year’s journal live up to the high expectations set in place by past editorial boards.

Most notably, we hosted our biannual symposium this March, which brought together nationally and internationally renowned scholars to discuss “Indigenous Women’s Rights: Conflicts and Challenges for Today’s Indigenous Women.” The day-long symposium was well attended by law students and faculty, University of Hawai‘i non-law students, as well as members of the community, and many of the guest speakers presented to a standing-room-only audience. Professor Ani Mikaere of Te Wananga o Raukawa in New Zealand delivered the keynote speech, “Conflicts and Challenges for Maori Women in Aotearoa Today,” which highlighted the conflicts facing indigenous Maori women, including the misperceptions of the woman’s place in Maori jurisprudence. Professor Rebecca Tsosie of the Sandra Day O’Connor College of Law at Arizona State University spoke on Native American women’s rights and its interplay with the indigenous people’s right to self-determination and cultural survival. Dr. Aileen Moreton-Robinson of Queensland University of Technology in Australia spoke on Australian indigenous women’s rights, as well as the changes facing indigenous cultures in general. The symposium concluded with a panel moderated by William S. Richardson School of Law professor D. Kapua‘ala Sproat and featured University of Hawai‘i professors Kate Zhou of the Political Science Department and Davianna McGregor of the Hawaiian and Pacific Studies Department speaking on Chinese women’s rights and ethnic minorities in Pacific
cultures, respectively. We hope to possibly publish articles or transcripts based on the guest speakers’ interesting presentations, as we believe that the symposium topic is an important issue that should be shared with as large an audience as possible.

Turning to our current journal issue, we again present a diverse selection of stimulating articles from scholars and students. The first article looks at the philosophical underpinnings of eastern and western educational philosophies. Jasper Kim, an associate professor at the Graduate School of International Studies and the Law School at Ewha Womans University in Seoul, focuses on South Korea’s revisions to its legal education system and evaluates whether a Confucian-based society can effectively assimilate the western Socratic methodology and legal education system. Kim uses Japan’s 2004 introduction of graduate-level law schools as a guide for predicting problems and solutions facing Korea’s ambitious reforms.

In a somewhat related vein, Quinglan Long, a research assistant professor at the University of Hong Kong School of Law, looks at corporate law and the possible relationship to Chinese clans and ideologies. Interestingly, Long points to scholarship that suggests that the traditional, Confucian Chinese clans were structured similar to that of modern-day corporations, which provides an intriguing comparison and insight into the use and importance of comparative legal studies.

Hao Duy Phan, a S.J.D. candidate at American University Washington College of Law, examines the proposed Southeast Asian Court of Human Rights and sheds light on some of the convoluted processes that are involved in creating and maintaining a human rights body. Phan acknowledges that a human rights court for all ASEAN members is not feasible at this time, but rather advocates a regional court as the first step in expanding human rights tribunals. It is for this reason that the understanding of the Southeast Asian regional court is crucial for successful human rights proliferation in ASEAN countries.

APLPJ is proud to be on the cutting edge of not only legal issues, but also advances in other disciplines that present important implications for the legal community. Katherine Dover, a 2008 graduate of the University of Hawai‘i William S. Richardson School of Law, writes about epigenetics and Japan’s efforts to patent DNA fragments. Dover concludes by noting that the United States and Japan have taken divergent positions in regards to DNA patenting, and Japan seems poised to become a world leader in the biotechnology industry.

Joshua Freeman, a 2009 J.D. candidate at the University of Utah, S.J. Quinney College of Law, discusses the effects of China’s development on the Mekong Basin States and the possibility of a resolution to regional disputes through the formation of a joint development agreement. Although Freeman explores the many obstacles to successful negotiations,
he concludes on an optimistic note, predicting that a joint development agreement would be effective in drawing China into negotiations.

It is always a pleasure to publish one of our editor’s works. Managing Editor Na Lan, a 2009 J.D. candidate at the University of Hawai‘i William S. Richardson School of Law, takes an in-depth look at the plight of migrant workers in China. Although these workers are key to China’s strong economy, Lan details the deficiencies in the country’s labor rights and the necessity of further governmental action, despite the emergence of new laws designed to ensure stronger worker protection.

Finally, we regret to inform our readers that publication of our annual translation of Professor Teruki Tsunemoto’s Jurisuto case summaries has been delayed until early summer. As usual, Professor Tsunemoto discusses a wide array of important decisions from various courts, from the Supreme Court of Japan to district courts around the country. This year’s issue includes cases dealing with university entrance examinations, the electoral system, privacy rights, intellectual freedom, and pacifism. Please visit our website again during the summer, and we apologize again for any inconvenience.

As always, we would like to thank our steadfast faculty advisors, Professors Ronald Brown, Lawrence Foster, Mark Levin, and Melody McKenzie. Their guidance and support make our journal possible, and we are deeply indebted to them for the time and effort that they put into our journal.

On a final note, the outgoing board would like to send its best wishes to next year’s new board members. Editor-in-Chief Doris Tam, Outside Articles Editors Everett Ohta, Loren Tilley, and Jodi Higuchi, Comments Editors Catherine Cachero and Erline “Sunny” Grier, Managing Editor Na Lan, and myself have all dedicated ourselves to improving APLPJ and continuing its tradition of academic excellence. We hope that the incoming board will strive to honor the efforts of the past ten years and pass down the work ethic and appreciation of academic scholarship to future APLPJ members.

Angela Thompson
Executive Editor (2008-2009)
Honolulu, Hawai‘i
May 2009