The Asian-Pacific Law & Policy Journal strives to provide our readership with an array of timely and innovative articles on the most significant legal and political issues facing the Asian-Pacific region today. In addition to advancing scholarship in the Asian-Pacific region, our journal also offers insight into the legal and political issues of this region. As an online journal, we provide an electronic medium that allows individuals from all over the world to easily access articles written on pertinent issues surrounding the Asian-Pacific region. Moreover, we continue to strive to bring our audience case and statute translations, which are otherwise unavailable in English. Rated second among Asian law journals by Washington and Lee, the Asian-Pacific Law & Policy Journal is once again proud to publish the scholarly works of foreign law experts from around Asia and the Pacific.

In our first article, Professor Eva Pils of the Faculty of Law at the Chinese University of Hong Kong provides a riveting account of the effect of Chinese land takings practices on rural families and communities. The article illuminates the inherent tension created by the impressive growth of the real estate market attributed to China’s rural takings practices on the one hand with the unjustifiable suffering on the part of members of rural collectives on the other. The author concludes that the example of Chinese rural takings practices shows that certain economic theories of property rights that originated in the west and came to be embraced in China are consistent with invidious discrimination.

In our next article, Professor Chih-Chieh Yang, of Aletheia University in Taiwan, presents a detailed account of the protection of the traditional cultural rights of the indigenous people of Taiwan. The author specifically discusses six protection models. The article also explores the contradiction between the concept of public domain protection and the concept of the expansion of the scope of intellectual property rights. Furthermore, Yang examines the "access to knowledge" movement that has arisen in the opposition to the expansion of intellectual property rights. Yang also touches upon the legislative purpose behind the enactment of Taiwan’s Protection Act. Finally, the article concludes with a proposal that Taiwan should adopt the authentication model because it is the most suitable to protect the public domain while also promoting the traditional culture of Taiwan's indigenous people.

In our first comment, Ryan Garcia, Juris Doctor Candidate, California Western School of Law, depicts the controversy surrounding the Akaka Bill and Hawaiian blood quantum. The author begins by explaining the Akaka Bill and its purpose and the surrounding debate. Then, there is an overview of the political history of Hawai‘i. Next, the author examines federal recognition as applied to Native Americans and compares their situation to that of Native
Hawaiians by discussing the United States - ethnic Hawaiian trust relationship. Garcia then articulates that the political history of the Akaka Bill does not satisfy federal common law's criteria for federal recognition. Garcia concludes with a discussion of how much blood should be required for eligibility in the new Hawaiian government should the Akaka Bill pass.

Our next comment showcases Michael Panton, LLM, with Distinction, the University of Hong Kong, and his analysis of the reformation of Article 9 of the Japanese Constitution. The author begins with a discussion about the historic origins of the Japanese Constitution. Secondly, he looks at the reformation process of the Japanese Constitution and examines the political consequences of such reform.

Finally, we have included an English translation of the Summation of the Inaugural Forum of Chinese Law Experts. The translation is a product of a fall 2009 course at the William S. Richardson School of Law, Readings in Chinese Law and provides a window into the thinking and trepidations of China’s preeminent legal scholars. The principal translators are third-year law students Jonathan A. Devers and Dr. Brian Mackintosh as well as professor Lawrence C. Foster

We would also like to take a moment to acknowledge an internal controversy sparked by the Garcia article. One of our staff editors who worked directly on the article, and who is himself Hawaiian, asked to be left unnamed with regards to the publication of this issue because he did not want to be associated with the perceived anti-sovereignty and anti-indigeneity views espoused in the article. Of course, we at are sensitive to these issues and we honored his request. However, we would like to assure him and our entire readership that neither the Asian-Pacific Law & Policy Journal nor our individual members specifically endorse any of the views espoused in the articles that we publish. Rather, we strive to choose articles that address important issues regardless of the particular stance of the author. To provide balance to the debate, we have invited the fellows at our Ka Huli Ao: Center for Excellence in Native Hawaiian Law to publish a response piece in the upcoming Spring Issue of our Journal. We would also like to invite those in our readership to submit articles tackling the important, albeit controversial issues, addressed in the Garcia article; regardless of what side of the ideological divide those views may fall. In this way, we hope to be a positive force in building the dialogue around important issues facing our community.

Lastly, we would like to extend a special thanks to our board members, staff editors, and staff writers for their invaluable assistance, time and dedication. Specifically, we would like to acknowledge the contribution of our Executive Editor, Seth Buckley. Without his technical expertise and hard work, this issue would not have been possible. Our faculty advisers, Professor Ron Brown, Professor Melody MacKenzie,
Professor Mark Levin, and Professor Lawrence Foster also deserve thanks for their unending support and advice.

On behalf of the Asian-Pacific Law & Policy Journal,

Christine Ifuku and Jesse Smith
Co-Editors-in-Chief