Editor’s Note
Volume 15, Issue 2

The Asian-Pacific Law & Policy Journal is proud to announce its Spring 2014 edition, Volume 15, Issue 2! In this issue we present five articles touching on a wide range of topics from throughout the Asia-Pacific region.

Our first article in this issue comes from Professor Eric Yamamoto of the University of Hawai‘i at Mānoa William S. Richardson School of Law, along with student Miyoko Pettit and 2013 Richardson graduate Sarah Lee. The article, entitled UNFINISHED BUSINESS: A Joint South Korea and United States Jeju 4.3 Tragedy Task Force to Further Implement Recommendations and Foster Comprehensive and Enduring Social Healing Through Justice, responds to the recent publication of the official English translation of the South Korean National Committee for Investigation of the Truth about the Jeju April 3 Incident’s report, by suggesting ways to implement reparative justice for the victims of the brutal repression of Jeju’s people in the late 1940’s. Importantly, the article recommends a joint U.S. and South Korean task force to implement a comprehensive program of “social healing through justice” that will help put to rest much of the “unfinished business” left in the aftermath of the April 4 Incident.

Secondly, we present an article by Sale Kwon, Facts That Shed Light on Intent of Single-Firm Refusals to Deal: Comparative Review of the United States and the Republic of Korea Jurisprudence, which offers a comparative analysis of the limitations in antitrust law on the right to refuse to deal in the United States and South Korea. Kwon focuses our attention upon single-firm refusals, provides helpful insight into the differences and similarities between American and Korean antitrust principles, and points the way forward for constructive legal development that takes the intent of the refusing firm seriously.

Labor law practitioners Earl V. Brown, Jr. and Kyle deCant’s Exploiting Chinese Interns As Unprotected Industrial Labor takes a hard look at the rising phenomenon of intern labor exploitation in China. Brown and deCant take a comparative approach to provide a legal-theory context to Chinese labor laws as they relate to so called “industrial interns,” and lay out the historical development of this increasingly exploited source of “cheap labor.” From there, they apply domestic Chinese and international legal norms to the working conditions for these laborers and demonstrate that the conditions fall short of domestic legal standards and may well violate international human rights norms against forced labor. Their article closes with an examination of principles drawn
from numerous national and international communities that would greatly improve the quality of Chinese industrial internships and encourage the enforcement of already existing national and international labor norms.

Next, we are proud to present University of Hawai‘i at Mānoa William S. Richardson School of Law Professor Mark Levin and student Megumi Lachapelle’s translation of Jidai no naka no Saikō Saibansho [Inside the Supreme Court of Japan—from the perspective of a former justice] by Justice Koji Miyakawa, formerly of the Supreme Court of Japan. Justice Miyakawa provides an insider’s view of the development of the Japanese Supreme Court since the 1970’s through a thought-provoking comparison between the Japanese Court and those in the U.S. and Western Europe. Additionally, he reflects upon a small handful of particularly important cases that illustrate the evolving role of the Japanese Court. These insider-reflections will surely be of intense interest to anyone studying the history and development of the Japanese judiciary.

Finally, and closer to home, we close this issue with a student comment by 2014 University of Hawai‘i at Mānoa William S. Richardson School of Law graduate Daylin-Rose Gibson on the obligations owed by the State of Hawai‘i vis-à-vis genetically engineered (“GE”) agriculture under its state constitution. Gibson details the history of agricultural development in Hawai‘i and the recent emergence of the GE industry as a major source of economic development and employment in the state. She goes on to argue that the Hawai‘i State Constitution imposes an obligation on the State of Hawai‘i to regulate the GE industry and GE crops. While narrowly focused upon legal issues within Hawai‘i, this comment is illustrative of the complex issues and often contentious atmosphere surrounding GE agriculture in the Pacific and provides helpful insights for other island communities as they address these challenging issues.

We wish to our senior and staff editors who worked so hard this year to see this issue to final publication. Without their dedication and hard work this would not have been possible. We would also like to thank our faculty advisors – Professors Mark Levin, Ron Brown, Larry Foster, and Melody MacKenzie – for their support and guidance throughout the publication process. Additionally, we would like to thank Professor Tae-Ung Baik for his invaluable assistance in cite checking and researching Korean language resources for this issue.

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