

Editor's Note

The editors of the Asian-Pacific Law & Policy Journal (“APLPJ”) proudly present our Spring 2021 issue (Volume 22, Issue 2). This issue features five articles encompassing a variety of topics that are relevant to our readers in the Asia-Pacific region and beyond. Additionally, this issue includes two articles written by current William S. Richardson School of Law (“WSRSL”) students and one article written by an APLPJ and WSRSL alumni.

We are honored to present our first article, *A Collective Memory of Mauna a Wākea: Reclaiming Hawai‘i’s Most Sacred Mountain* by Terina Kamailelauli‘i Faagau. Faagau is a Class of 2021 graduate of the WSRSL and was a Senior Editor with APLPJ. The article examines the cultural and historical significance of Maunakea to Native Hawaiians and to Hawai‘i, and the history of injustices on Maunakea leading up to the Thirty Meter Telescope (“TMT”). The article also analyzes the proceedings and narratives surrounding the Board of Land and Natural Resources’ approval of the TMT and the Hawai‘i Supreme Court’s decision to affirm the TMT at the Mauna Kea Science Reserve. Faagau explains how collective memory shapes narratives of justice for Native Hawaiians, which have been used to combat the justifications for the approval of the TMT. She concludes the article by looking to the future of Maunakea and how collective memory and justice can be shaped for Native Hawaiians.

The second article, *Dixie Mission II: The Legality of a Proposed U.S. Military Observer Group to Taiwan*, is by Michael C.M. Louis. Louis received his J.D. at the WSRSL and was a Publications Editor in APLPJ during his 3L year. The article introduces historical and legal arguments that justify the deployment of a hypothetical U.S. military observer group named “Dixie Mission II” to Taiwan. The purpose of such a group would be to assess Taiwan’s military capabilities and to coordinate future responses to natural disasters and other humanitarian concerns, such as assisting aircrafts in distress. Louis discusses the legal counterarguments that the People’s Republic of China and others might raise in protest against such an observer group. The article ends by acknowledging that the military observer group would be the first step in strengthening the current unofficial relations between the U.S. and Taiwan in order to support a peaceful and stabilized Asia-Pacific region in the future.

The third article we present is *The Internet as a Public Accommodation and its Impact on Higher Education* by Constancio C. Paranal III. Paranal is a Class of 2021 graduate of the WSRSL. This article explores the Americans with Disabilities Act (“ADA”) in the context of the current COVID-19 pandemic. Highlighting the inaccessibility of technology for education related services to support students with disabilities during the pandemic, Paranal argues that the internet should be reclassified as a public accommodation because of its impact on the accessibility of higher education. He also analyzes past and present ADA cases that have been brought against institutions of higher education, specifically mentioning the University of

Hawai'i's barriers to obtaining equal opportunity for people with disabilities. Although there are discriminatory practices in education through unchanged use of technology, Paranal proposes persons with disabilities should have constitutional protection.

The fourth article is by Aileen Kim and is titled, *The Road To The Truth: Lessons From South Korea's Truth Commissions*. Kim is a J.D. Candidate Class of 2021 at Georgetown University Law Center and was a Fulbright Research Fellow to South Korea in 2013-2014. Kim's article examines five different Korean truth commissions established between 1948 to the present by focusing on their unique characteristics of utilizing a victim-centered approach, their successes and failures, and the lessons that can be learned from the commissions. The article argues the lessons learned include the power of public involvement, the impact of active government involvement, and the importance of realistic mandates. Using truth commissions as a way to right the wrongs against their own people, Kim poses recommendations on improving the commissions to limit the Korean government's executive interference, emphasize positive accountability, and form a truth commission to address the comfort women issue.

Last but not least, we are proud to present *The Sub Judice Rule in the Philippines as an Interference in the Right to the Freedom of Expression: Determining Tensions and Defining Legal Standards to Address Conflicting Interests* by Jupa Artiaga. Artiaga received a J.D. from the University of the Philippines College of Law in 2020 and currently works as a Political Affairs Officer in the Philippine House of Representatives. Artiaga is also currently taking a post-graduate Diploma in Public Management from the University of the Philippines. This article examines the sub judice rule and how it is being applied in the Philippines. Overlooking the history and development of the concepts of contempt and sub judice in the Philippines, Artiaga compares it to American jurisprudence and international legal standards. The article recognizes that the freedom of speech is being endangered by the current application of the sub judice in the Philippines and calls for changes to be made for a clearer application.

On behalf of APLPJ, we would like to extend our sincerest gratitude to the authors for their dedication to academic scholarship, their efforts put into the articles, and their patience while working with the APLPJ team. We also thank our team of editors who all put in a great amount of time, effort, and commitment into editing these articles throughout this semester, and for their help in establishing our new column. Additionally, we would like to extend our appreciation to the guidance and support received by our faculty advisors Mark Levin, Ronald Brown, and Melody MacKenzie. Finally, we would like to extend our warmest congratulations to the incoming Editors-in-Chief, Kori Palencia and Emily Walker. We wish you both the best of luck and look forward to seeing what the journal will achieve moving forward!

Sincerely,

Kamrie Koi
Co-Editor in Chief
2020-2021

Kristin Fujiyama
Co-Editor in Chief
2020-2021