The editors of the Asian-Pacific Law and Policy Journal (“APLPJ”) proudly present our Spring 2020 Issue: Volume 21, Issue 2. This Issue features five Articles, one student-authored Comment, and one Bibliography. As was the case in our last Issue, the papers included here cover a wide array of subjects that are sure to captivate our audience. Likewise, we are proud to be a continuous promoter of scholarship by and for our William S. Richardson School of Law (“WSRSL”).

In this Issue, we first present the Article: “How to Develop an International Arbitration Industry in South Korea,” by Jongsok Choi, a South Korean alumnus of WSRSL’s Advanced J.D. program. Choi first outlines the framework for how international arbitration has evolved in East Asia over the course of past several decades. Choi then compares South Korea’s emerging market with that of other, more established sites such as Hong Kong and Singapore. Choi finally argues that in order for South Korea to gain a foothold in the arbitration market, the South Korean government must take specific, proactive steps to lift economic and legal barriers—both in terms of international law rule-making, as well as South Korean domestic law.

The second Article we present is: “Piliʻōlelo: Hekau Ke Kanaka ʻŌlelo Hawaiʻi, E Ahona I Ke Oʻa Kānāwai,” by Sabrina Kamakakaulani Gramberg, an APLPJ alumna and current Post-J.D. Fellow at WSRSL’s Ka Huli Ao Center for Excellence in Native Hawaiian Law. While APLPJ is proud to feature each of the papers in this Issue, there is a particular milestone that we must celebrate: this is the first-ever paper published in APLPJ that is written fully in the Hawaiian language (ʻŌlelo Hawaiʻi). For our non-Hawaiʻi-based readership, it is important to understand that only a couple generations ago, the Hawaiian language was all but outlawed in schools, and on the verge of extinction. Today, Hawaiian is now recognized as an official language of the State of Hawaiʻi, alongside English; it nonetheless remains critically endangered. In light of recent developments—perhaps most significantly, the Hawaiʻi Supreme Court’s decision last year in Clarabal v. Department of Education—Gramberg’s scholarship aims to establish a framework for how all three branches of state government can better provide Hawaiian language access to the public.

The third Article we present is: “Unpacking Okinawa’s “Suitcase Murder”: Expanded Japanese Criminal Jurisdiction of U.S. Civilian Contractors Under the 2017 SOFA
Supplemental Agreement,” by Brandon Marc Higa, APLPJ alumnus and current S.D.J. candidate at WSRSL. In his paper, Higa provides critical background information on the historical failure of both the U.S. and Japanese governments to respect the agency and dignity of Okinawans on their own land. Higa argues that a shift in policy—and attitude—is necessary for Okinawans to feel a sense of security in their own communities. This is especially so for the young women and girls of Okinawa, given the pattern of sexual abuse and related violence directed at them by U.S. military and civilian personnel.

Our fourth Article is: “Understanding the Hong Kong of Court of Final Appeal: Statistics and Inexplicable Patterns,” by Martin Kwan of the Faculty of Law at the University of Hong Kong. In this Article, Kwan examines the Hong Kong Court of Final Appeal and the patterns that appear throughout the Court’s work, including how the Court handles its docket, issues opinions, and how members of the bench from different backgrounds interact with each other. Ultimately, Kwan’s scholarship seeks to provide answers on how the Court can exercise its functions in a self-reflective manner, and improve its standing in the legal community as well as the public.

Our fifth Article is: “Viewing Kore-eda’s Nobody Knows and Shoplifters Through Legal-Social Lenses,” by WSRSL’s Calvin Pang, Associate Professor of Law and Co-Director of the Clinical Program, alongside WSRSL graduate Makoto Kurokawa of the Advanced J.D. program. In a similar vein to Professor Alison Conner’s review of Hong Kong cinema, published in APLPJ Vol. 19:2, Pang and Kurokawa’s paper offers an extensive look at the work of Japanese film director Hirokazu Kore-eda. In particular, Pang and Kurokawa focus on two of Kore-eda’s most famous films, and analyze the extent to which Kore-eda’s work is representative of Japan’s struggle to improve child welfare laws.

Our student Comment we present is: “Chipping Away at the Public Trust Doctrine: Mauna Kea and the Degradation Principle,” by WSRSL graduate William “Kaleio” Crowell of the J.D. program. In his Comment, Crowell lays out the case for why the Hawai‘i Supreme Court wrongly decided the “Mauna Kea II” case of 2018. Crowell outlines the different rationales pursued by the Court in its majority opinion, as well as the concurring and dissenting opinions. Crowell further explains the importance of preserving the “public trust doctrine”—a pillar of Hawai‘i constitutional law—and how the majority failed to honor its own precedent. Crowell asserts that the Court’s decision will have negative repercussions for environmental as well as cultural resources. Given that the Thirty Meter Telescope remains a hot-button issue for many Hawai‘i residents, we expect
further developments in litigation and in scholarship to take hold, and look forward to seeing how Crowell’s ideas contribute to this ongoing debate.

Last but not least, we present a Bibliography: “Gender and Law Scholarship in the Law in Japan Field: A Comprehensive Bibliographic Study,” compiled by our very own Mark Levin, Professor of Law and Director of the Pacific-Asian Legal Studies Program, alongside WSRSL graduate Kallista Hiraoka of the J.D. program. Following Professor Levin’s presentation at Harvard Law School’s East Asian Studies Conference on Japanese Law in 2018—and inspired by the scholarship of Professors Veronica Taylor and Vera Mackie, among others—this compilation of sources is intended to provide scholars, and the public, with access to an inclusive perspective on how gender plays a role in the Japanese legal system.

In closing, I wish to thank each of the authors, my executive board, staff editors, and faculty advisors for all their talents and hard work in putting together Volume 21, Issue 2—our first publication of the 2020s! My colleagues and I who have recently graduated from WSRSL are bittersweet at the prospect of departing this journal we know and love. Having said this, I speak for the rest of APLPJ in saying how excited we are for the 2020-2021 Executive Board, led by incoming Co-Editors-in-Chief Kristin Fujiyama and Kamrie Koi, to begin work on Volume 22 later this fall. Our best wishes to them, and to you, the readers!

Aloha and I Mua,

Brian Wild

Editor-in-Chief
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