Pacific-Asian Legal Studies Get Boost From University of Hawaii

It all started when a plot of farmland in Hokkaido, Japan, considered sacred by the indigenous Ainu people, was appropriated by the local government for the construction of a dam. In 1993, its owners sued, claiming that the seizure of sacred land violated their rights. In 1997, a local court ruled, and this fall, a law professor in Hawaii rested after three months spent translating the 150-page decision into English.

The translator is Mark Levin, an assistant professor at the William S. Richardson School of Law, University of Hawaii at Manoa. When the original text, the "Nibutani Dam decision," was issued March 1997 by the Sapporo District Court, it was the first time the Ainu had been recognized as an indigenous minority with legal rights to preserve their culture. Kayano v. Hokkaido [Land] Confiscation Committee, 1598 Hanrei Jiho 33, A Henrei Times B.

Professor Levin recalls seeing the decision on the Internet and sending an e-mail to a colleague in Hokkaido. "He wrote back saying how groundbreaking it was. Then he said, 'We don't know how we're going to get this thing out. It's 17,000 words.'"

An expert in Japanese law, Professor Levin is now submitting the translation for publication. "The decision is important because the court recognized, sua sponte, the rights of the Ainu as an indigenous people under both the Japanese Constitution and international public law," he explains. "I believe the precedent will be asserted in the future by other indigenous peoples worldwide."

Professor Levin is part of his school's Pacific-Asian Legal Studies department, or PALS. He says he was the "last piece of a jigsaw puzzle" that is now complete, with full-time specialists in native Hawaiian issues, Pacific Island law, Chinese law and Japanese law. According to Dean Lawrence Foster, the school offers more courses in Chinese law than any other school in the country.

A commitment to Pacific-Asian legal studies was part of the law school's mission statement when it was established in 1973. With an enrollment of about 240, Hawaii's may be the smallest of the 180 law schools accredited by the American Bar Association. But in quality, it ranks among the top 50, according to U.S. News & World Report.

To receive a PALS certificate, law students must complete 14 credits. But what choices? They can take courses such as U.S.-Japan Business Transactions. They can spend a semester with a judge, law firm or U.S. embassy in such places as Thailand, Samoa and Guam. Or they can stay on campus, researching such topics as mail-order brides from the Philippines and Guam.

The cultural emphasis is popular with students, 75 percent of whom are residents of Hawaii, and with alumni, 10 percent of whom report that their work involves Pacific and Asian legal issues. It also suits Professor Levin, who left private practice in Seattle a decade ago to study Japanese law and language on a series of fellowships and wound up teaching at the law school of Hokkaido University from 1994 to 1996.

Since arriving in Manoa two years ago, he has come to realize that people hold misleading stereotypes about Hawaii. "We may hide away in the middle of the Pacific," he says, "but we are a serious law school."