

# Washington International Law Journal

---

Volume 14 | Number 1

---

1-1-2005

## Contents

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wilj>

---

### Recommended Citation

anon, Table of Contents, *Contents*, 14 Pac. Rim L & Pol'y J. i (2005).  
Available at: <https://digitalcommons.law.uw.edu/wilj/vol14/iss1/1>

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington International Law Journal by an authorized editor of UW Law Digital Commons. For more information, please contact [lawref@uw.edu](mailto:lawref@uw.edu).

# *Pacific Rim Law & Policy Journal*

---

VOLUME 14, NUMBER 1

---

## CONTENTS

### ARTICLE

- The Vietnamese Judiciary: The Politics of Appointment and Promotion *Penelope (Pip) Nicholson and Nguyen Hung Quang* 1

### COMMENTS

- Caught Between a Rock and a Soft Place: Regulating Legal Ethics to Police Corporate Governance in the United States and Hong Kong *Susan E. Carroll* 35
- The Heart of Fiji's Land Tenure Conflict: The Law of Tradition and *Vakavanua*, the Customary "Way of the Land" *John Crosetto* 71
- Treading Deep Waters: Substantive Law Issues in Tuvalu's Threat to Sue the United States in the International Court of Justice *Rebecca Elizabeth Jacobs* 103
- Letting Bayous Be Bygones: Should Louisiana Be Allowed to Mandate Use of the Pre-socialist Vietnam Flag? *Nami Kim* 129
- Mapping the Law of Legalizing Maps: The Implications of the Emerging Rule on Map Evidence in International Law *Hyung K. Lee* 159

Online Music Piracy: Can American Solutions  
Be Exported to the People's Republic of China to  
Protect American Music?

*Jolene Lau Marshall* 189

The Private Sector Amendment to Australia's  
Privacy Act: A First Step on the Road to Privacy

*Alexandra T. McKay* 223

Aboriginal Title and Extinguishment Not So  
"Clear and Plain": A Comparison of the Current  
Maori and Haida Experiences

*Jacqueline F. Pruner* 253

**ABOUT THE *PACIFIC RIM LAW & POLICY JOURNAL* . . .**

THE PACIFIC RIM LAW & POLICY JOURNAL (ISSN 1066-8632) is published three times a year by students of the University of Washington School of Law. Phone (206) 543-6649, Facsimile (206) 685-4457. Address all correspondence to *Pacific Rim Law & Policy Journal*, University of Washington School of Law, William H. Gates Hall, Box 353020, Seattle, WA 98195-3020.

Member, National Conference of Law Reviews.

**SUBSCRIPTIONS:** Subscriptions in the United States and Canada, covering three issues per volume, are US \$35 per year and US \$45 elsewhere. Subscription requests should be directed to the address above. Single issues and back volumes are available from William S. Hein Co., Inc., 1285 Main Street, Buffalo, New York 14209. Phone (800) 828-7571, Facsimile (716) 883-8100. Domestic claims for non-receipt of issues should be made within 90 days of the month of publication, overseas claims within 180 days. Thereafter back issue rates will apply. Overseas delivery is not guaranteed.

**CITATION:** Cite as: PAC. RIM L. & POL'Y J.

**MANUSCRIPTS:** The *Pacific Rim Law & Policy Journal* welcomes the submission of articles that focus on domestic law or policy in a Pacific Rim nation or an issue of international or comparative law that relates to one or more Pacific Rim nations. The *Journal* also welcomes the submission of English translations of Asian-language legal materials and legal scholarship. If any part of a manuscript has been published previously, or is to be published elsewhere, the author must include this information at the time of submission. Citations should conform to A UNIFORM SYSTEM OF CITATION (17th rev. ed. 2000) unless common sense dictates otherwise. For detailed submissions guidelines, please visit our Web site at: <http://www.law.washington.edu/PacRim>.

**COPYRIGHT:** Copyright 2005, Pacific Rim Law & Policy Association. Except as otherwise specifically provided, the author of each article in this issue has granted permission for copies of his or her article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and the *Pacific Rim Law & Policy Journal* are identified on each copy, (3) proper notice of copyright is affixed to each copy, and (4) the *Pacific Rim Law & Policy Journal* is notified of the use. Requests for reprint permission should be directed to Penny Hazelton, Business Manager, *Pacific Rim Law & Policy Journal*.

**LIBRARIANS:** Prior to Volume 4, issues are designated as follows:

Winter 1992.....	Intramural Issue	Summer 1993.....	Vol. 2, No. 2
Winter 1992.....	Vol. 1, No. 1	1993.....	Vol. 3 Special Edition
Summer 1992.....	Vol. 1, No. 2	June 1994.....	Vol. 3, No. 1
Winter 1993.....	Vol. 2, No. 1	February 1995.....	Vol. 3, No. 2

Beginning with Volume 4, each issue is designated by a month, year, volume, and number, and is consecutively paginated.

# *Pacific Rim Law & Policy Journal*

---

---

## **EDITORIAL BOARD 2004-2005**

### *Editor-in-Chief*

VALENTIN A. POVARCHUK

### *Associate Editors-in-Chief*

REBECCA J. POVARCHUK  
DOUGLAS STEDING

### *Executive Comments Editors*

SUSAN CARROLL  
REBECCA E. JACOBS  
HANNAH SAONA

### *Executive Articles Editors*

HYUNG LEE  
ELIZABETH TUTMARC

### *Managing Editor of Operations*

NAMI KIM

### *Managing Editors of Production*

FAITH L. ANDERSON  
M. CHRISTINA LUERA  
JACQUELINE F. PRUNER

### *Managing Editor of Development*

AMALIA R. WALTON

### *Thesis Development Editor*

JOLENE L. MARSHALL

### *Comments & Articles Editors*

LITONG CHEN  
JOHN CROSETTO  
ALEXANDRA T. MCKAY  
KYOKO ISHIDA  
EUGENE KIM  
INSEON PAIK  
JENNIFER SCHORR  
VIVIANNE TSAO  
ROBIN WARREN

### *Technology Editor*

KAREN BRECKENRIDGE

## **EDITORIAL STAFF**

MOHAMED RALI BADISSY

MEGAN CROWHURST

ROB CROWLEY

JOAN DOHERTY

SIMON FISHEROW

RHIANNA FRONAPFEL

ALISON JONES

HYUNG TAE KIM

NIKOLAI LESNIKOV

CHRISTOPHER MERTENS

COURTNEY MERTES

LAURA H. NORTON

LEE OVERTON

GREGORY PENDLETON

JOSHUA PIPER

TAMMY SITTNICK

JOHN D. SMELCER

KAREN M. TAKISHITA

KEVIN TU

KATHERINE VAN MAREN

ALYSSA VEGTER

NICOLAS VIKSTROM

JIM WILKSON

### *Business Manager*

PENNY HAZELTON

### *Business Office*

JONATHAN FRANKLIN

FRAN JOHNSON

### *Faculty Advisors*

LINDA S. HUME

VERONICA TAYLOR

# University of Washington School of Law 2004–2005

## OFFICERS OF ADMINISTRATION

Mark A. Emmert, B.A., M.A., Ph.D., President of the University  
W. H. Knight, Jr., B.A., J.D., Dean, Professor of Law  
Patricia C. Kuszler, B.A., M.D., J.D., Associate Dean for Research and Faculty Development, Professor of Law  
Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library and Computing Services, Professor of Law  
Sandra E. Madrid, B.S., Ph.D., Assistant Dean for Student Affairs and Administration  
John G. McNamara, B.A., Assistant Dean for Development and External Relations  
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Assistant Dean for Academic Services, Senior Lecturer  
Naomi Sanchez, B.S., M.S.W., Ed.D., Assistant Dean for Career Services  
Francis W. (Bill) Thornton, B.A., Administrator

## FACULTY EMERITI

William T. Burke, B.S., J.D., J.S.D.  
G. Meade Emory, B.A., J.D., LL.M.  
Robert L. Fletcher, A.B., LL.B.  
John Huston, B.A., J.D., LL.M.  
Arval Morris, B.A., M.A., J.D., LL.M., LL.D.  
Cornelius J. Peck, B.S., LL.B.  
John R. Price, A.B., LL.B.  
Marjorie D. Rombauer, B.A., J.D.  
Charles Z. Smith, B.S., J.D.  
Frank W. Smith, Jr., B.A., J.D., LL.M.  
William B. Stoebuck, B.A., M.A., J.D., S.J.D.

## FACULTY OF LAW

Craig H. Allen, B.S., J.D., Professor of Law, Director of Law and Marine Affairs Program  
William R. Andersen, B.S.L., LL.B., LL.M., Judson Falkner Professor of Law  
Helen A. Anderson, B.A., J.D., Senior Lecturer  
Robert T. Anderson, B.A., J.D., Assistant Professor of Law, Native American Law Center Director  
David Andrade, B.A., M.A., Ph.D., Assistant Professor of Law  
Thomas R. Andrews, B.A., M.A., J.D., Professor of Law  
Robert H. Aronson, B.A., J.D., Professor of Law  
Kathryn Battuello, B.A., J.D., M.P.H., Research Assistant Professor of Law  
Karen Boxx, B.A., J.D., Associate Professor of Law  
Steve P. Calandrillo, B.A., J.D., Associate Professor of Law  
Tom Cobb, B.A., M.A., M.A., J.D., Lecturer  
Kate Corcoran, B.A., M.S., J.D., Lecturer  
William Covington, B.A., J.D., Assistant Professor of Law  
Sam A. Donaldson, B.A., J.D., LL.M., Assistant Professor of Law  
Michael Dowdle, B.M., M.M., M.Phil., J.D., Visiting Associate Professor of Law  
Dwight Drake, B.S., J.D., Acting Associate Professor of Law  
G. Meade Emory, A.B., LL.B., LL.M., Professor of Law, Director of Graduate Program in Taxation  
Julia Gold, B.A., J.D., Senior Lecturer  
Robert W. Gornkiewicz, B.A., J.D., M.A., Research Associate Professor of Law  
James H. Hardisty, A.B., LL.B., Professor of Law  
Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law, Law Librarian  
Gregory A. Hicks, B.A., J.D., Professor of Law  
Roland L. Hjorth, A.B., LL.B., Dean Emeritus and Garvey, Schubert, & Barer Professor of Law  
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Lecturer  
Maureen A. Howard, B.A., J.D., Acting Assistant Professor of Law, Interim Director, Trial Advocacy Program  
Linda S. Hume, B.A., J.D., Professor of Law  
Stewart M. Jay, A.B., J.D., William L. Dwyer Professor of Law  
John M. Junker, B.A., J.D., Professor of Law  
Lisa Kelly, B.A., J.D., Professor of Law  
Alan Kirtley, B.A., J.D., Associate Professor of Law, Director of Clinics  
W. H. Knight, Jr., B.A., J.D., Dean, Professor of Law  
Richard O. Kummer, B.S., M.B.A., LL.B., D. Wayne and Anne Gittinger Professor of Law  
Patricia C. Kuszler, B.A., M.D., J.D., Professor of Law  
Dan Laster, B.A., J.D., Assistant Professor of Law  
Clark Lombardi, M.A., J.D., Ph.D., Assistant Professor of Law  
Deborah Maranville, B.A., J.D., Professor of Law  
Anna Mastroianni, B.S./B.A., J.D., M.P.H., Assistant Professor of Law  
Kathleen M. McGinnis, B.A., J.D., Senior Lecturer  
Jacqueline McMurtre, B.C.S., J.D., Assistant Professor of Law  
Paul Steven Miller, B.A., J.D., Professor of Law  
Jessica McCol Nelson, B.A., J.D., LL.M., Lecturer, Visiting Scholar Coordinator  
Joel Ngugi, LL.B., LL.M., S.J.D., Assistant Professor of Law  
Peter Nicolas, B.A., M.P.P., J.D., Associate Professor of Law  
Sean M. O'Connor, B.A., M.A., J.D., Assistant Professor of Law  
Kathleen O'Neill, B.A., J.D., Associate Professor of Law, Director of Legal Research and Writing  
Roy L. Prosterman, A.B., LL.B., Professor of Law  
Anita Ramasastry, B.A., M.A., J.D., Associate Professor of Law  
Beth Rivin, B.A., M.D., M.P.H., Research Assistant Professor of Law  
Michael Robinson-Dorn, B.A., J.D., Assistant Professor of Law  
William H. Rodgers, Jr., B.A., LL.B., Sumner Bullitt Professor of Environmental Law  
Eric Schnapper, B.A., M.A., B.Phil., LL.B., Pendleton Miller Professor of Law  
Scott A. Schumacher, B.A., J.D., Lecturer  
Kristen Sully, B.A., J.D., Ph.D., Assistant Professor of Law  
William B. Stoebuck, B.A., M.A., J.D., S.J.D., Judson Falkner Professor of Law Emeritus  
Toshiko Takenaka, B.A., LL.M., Ph.D., Professor of Law, Director, CASRIP  
Veronica L. Taylor, LL.B., B.A., LL.M., Professor of Law, Asian Law Program Director  
Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law  
Philip A. Trautman, B.A., J.D., Professor of Law  
Lea B. Vaughn, A.B., J.D., Professor of Law  
Walter J. Walsh, B.C.L., LL.M., Assistant Professor of Law  
Ron J. Whittier, B.A., J.D., Assistant Professor of Law  
Lis W. Wiehl, A.B., M.A., J.D., Associate Professor of Law  
Jane K. Winn, B.Sc., J.D., Professor of Law  
Louis E. Wolcher, B.A., J.D., Professor of Law

## ADJUNCT AND AFFILIATE FACULTY

Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law  
Marc J. Hershman, A.B., J.D., Adjunct Professor of Law  
Nancy S. Jecker, B.A., M.A., Ph.D., Adjunct Professor of Law  
Michael W. McCann, B.A., M.A., Ph.D., Adjunct Professor of Law  
Steven G. Olswang, B.A., J.D., Ph.D., Adjunct Professor of Law  
Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law

