

11. Comparative Law

I. The *Japan Society of Comparative Law* held its 68th General Meeting at Sophia University on June 4 and 5, 2005.

First Day

1. Anglo-American Law Section

- (1) “Racial Gerrymandering, Political Gerrymandering, and United States Supreme Court”
Yoshitaka Nakamura (Research Associate, Meiji Gakuin University).
- (2) “On the American Strategy of the Contaminated Sites to Cleanup Focusing on the Brownfields Policy in New Jersey”
Noriko Kurosaka (Doctoral Candidate, Doshisha University).

2. Continental Law Section

- (1) “La révision des lois de bioéthique en France: L’assouplissement des conditions du diagnostic prénatal, de l’assistance médicale à la procréation et du diagnostic préimplantatoire”
Mari Honda (Research Associate, Sophia University).
- (2) “La contrat et le statut en la théorie française du contrat de travail”
Masanobu Mitsui (Professor, Hiroshima University).

3. Socialist Law Section

- (1) “Is ‘Reconciling Legal Traditions’ Possible?: Divorce on the Ground of Conversion to Islam in Malaysia”
Naoko Kuwabara (Researcher, Japan Society for Promotion of Science).
- (2) “Transplants of Human Rights Law: Indonesian Context”
Yuzuru Shimada (Researcher, Japan Society for Promotion of Science).
- (3) “Interpreting the Newly Included ‘Human Rights’ Clause: Differences Between the Government and Pro-Reform Legal Scholars in China”
Jin Ishizuka (Lecturer, Tokyo Rissho Junior Collage).

4. Mini-Symposiums

A: Historical Development and Contemporary Functions of Nationality and Citizenship Law

Chaired by Shigeo Miyagawa (Professor, Waseda University).

- (1) "Introduction"
Shigeo Miyagawa (Professor, Waseda University).
- (2) "The History of British Nationality Law"
Kenichi Yanai (Associate Professor, Yamaguchi University).
- (3) "An Overview of the History of US Citizenship"
Tomomi Takasa (Associate Professor, Dokkyo University).
- (4) "Immigration Policy and Dual Citizenship"
Atsushi Kondo (Professor, Kyushu Sangyo University).
- (5) "Citizenship of the EU and German Nationality Law"
Seigo Hirowatari (Professor, University of Tokyo).
- (6) "Recent Issues and Perspective of Japanese Nationality Law"
Shoichi Kidana (Professor, Waseda University).

B: A Comparative Thinking of the Family Visitation and Contact with the Children

Chaired by Fumio Tokotani (Professor, Osaka University).

- (1) "Introduction"
Fumio Tokotani (Professor, Osaka University).
- (2) "The Right of Contact in Britain"
Noboru Kawada (Professor, Kanagawa University).
- (3) "Visitation in the United States"
Ryoko Yamaguchi (Associate professor, University of Yamanashi).
- (4) "The Visitation in German Family Law"
Hirohito Suzuki (Professor, Chuo University).
- (5) "Droit de visite et famille française"
Mieko Yamada (Associate Professor, Otsuma Women's University).

C: Comparative Study of Land Ownership Reforms in Former and Present Socialist Countries

Chaired by Kazutaka Sugiura (Professor, Nagoya University).

- (1) "Introductory Remarks"

- Kazutaka Sugiura (Professor, Nagoya University).
- (2) “The Reform of Land Law in Russia”
Yu Shinoda (Associate Professor, Hokusei Gakuen University).
- (3) “Inconsistency of Rules Provided by Land Law, Land Ownership Allocation Law and Civil Code in Mongolia: Market-oriented Economic Reform and Land Law Reform in Nomadic Society”
Tsuneo Matsumoto (Professor, Hitotsubashi University).
- (4) “Farm Reform and Land Law of China”
Shinichi Okuda (Associate Professor, Takushoku University).
- (5) “Land Law and Agricultural Village in Vietnam”
Yoshiki Kurumizawa (Professor, Waseda University).

Second Day

Symposium: “Comparative Study of Federalism”

- (1) “Background of Theme Setting”
Tadashi Takizawa (Professor, Sophia University).
- (2) “Introduction”
Toshiaki Yaguchi (Professor, Kanagawa University).
- (3) “American Federalism Today: Dual Constitutionalism and Its Implications for Civil Liberties”
Keisuke Abe (Associate Professor, Seikei University).
- (4) “The Federalism in Germany”
Koji Tonami (Professor, Waseda University).
- (5) “Le fédéralisme en Belgique”
Motomi Yajima (Professor, Sophia University).
- (6) “The Russian Federalism: Its Contemporary Aspect”
Kenjiro Shibuya (Associate Professor, Kobe University).
- (7) “The Doushu System and the Federalism”
Hideyuki Ohsawa (Professor, Keio University).
- (a) “Comment 1: England”
Michiatsu Kaino (Professor, Waseda University).
- (b) “Comment 2: France”
Junko Iijima (Associate Professor, Tohoku University).
- (c) “Comment 3: China”
Ken Suzuki (Professor, Hokkaido University).
- (d) “Comment 4: EU”

Tamio Nakamura (Associate Professor, University of Tokyo).

(e) “Summary Statement”

Tadashi Takizawa (Professor, Sophia University).

II. The *Japanese American Society for Legal Studies* held its 42nd General Meeting at Kyoto Bunkyo University on September 10 and 11, 2005.

First Day

Workshop: Translation of Japanese Statutes into English: Current State and Perspective

- (1) “Current State and Problems of the Promotion of the Translation of Japanese Statutes into Foreign Languages by the Government”
Noboru Kashiwagi (Professor, Chuo University).
- (2) “From Actual Experience in Translation Work in Corporate Law”
Kazuhiro Takei (Attorney, Partner, Nishimura & Partners).
- (3) “Translation Project of Statutes into English Based on the Management of Statutes Data Information”
Yoshiharu Matsuura (Professor, Nagoya University), Katsuhiko Toyama (Associate Professor, Nagoya University).
- (4) “Comment”
Robert McIlroy (Professor, Keio University).

Second Day

Symposium: “Considering American Law after 9.11.: the ‘Fight against Terrorism’ and its Implications”

Chaired by Keisuke Abe (Associate Professor, Seikei University).

- (1) “Judging Executive Detention: The War on Terror and World War II”
R. Craig Green (Assistant Professor, Temple Law School).
- (2) “Implications for the Telecommunications Act and Business Laws”
Joel S. Winnik (Partner, Hogan & Hartson LLP).
- (3) “National Border Located at a Latitude of 49 Degrees North after 9.11.”
Kenji Suzuki (Associate Professor, Doshisha Women’s College of

Liberal Arts).

- (4) “9.11. and the Constitution of Japan”

Tatsuya Hujii (Associate Professor, University of Tsukuba).

- (5) “Remarks on International Law in America and ‘A La Carte Multilateralism’ after 9.11.: A Common Law Lawyer Approach to International Law”

Yoshiaki Sato (Research Associate, University of Tokyo).

- (6) “Summary Statement”

Keisuke Abe (Associate Professor, Seikei University).

III. The *Rechtswissenschaftlicher Kongress anlässlich des „Deutschland in Japan“ — Jahres 2005/2006* held a special conference „Globalisierung und Recht — Beiträge Japans und Deutschlands zu einer internationalen Rechtsordnung im 21. Jahrhundert“ at the *Deutsches Kulturzentrum Tokyo* on September 29 und 30, 2005.

First Day

1. Eröffnungsvortrag

„Wandel der Rolle des Rechts in Zeiten der Globalisierung: Fragmentierung, Konstitutionalisierung und Vernetzung globaler Rechtsregime“

Dr. Gunther Teubner (Professor, Universität Frankfurt).

Kommentierung: Junichi Murakami (Professor, Toin Yokohama University).

2. Zivilrecht Arbeitsgruppe

- (1) „Einfluss des deutschen Zivilrechts auf die Entstehung eines internationalen und gemeineuropäischen Zivilrechts“

Vorsitz: Dr. Zentaro Kitagawa (Professor, International Institute for Advanced Studies).

Impulsreferat: Dr. Jürgen Basedow (Professor, Max-Planck-Institut für ausländisches und internationales Privatrecht).

Impulsreferat: Hisakazu Matsuoka (Professor, University of Kyoto).

- (2) Diskussion

- (3) Berichterstatter: Dr. Karl Riesenhuber (Professor, Viadrina Universität).

3. Öffentliches Recht Arbeitsgruppe

- (1) „Aktuelle rechtliche Entwicklungstendenzen in Europa: Vom einheitlichen Wirtschaftsraum zur politisch verfassten Union?“
Vorsitz: Hiroshi Shiono (Professor, em. University of Tokyo).
Impulsreferat: Dr. Jürgen Schwarze (Professor, Universität Freiburg).
Impulsreferat: Dr. Hiroshi Nishihara (Professor, Waseda University).
- (2) Diskussion
Initial Commentary: Dr. Atsushi Takada (Professor, Osaka University).
- (3) Berichterstatter: Dr. Toshiyuki Ishikawa (Professor, Chuo University).

4. Wirtschaftsrecht Arbeitsgruppe

- (1) Initial Commentary
„Entstehung einer *lex mercatoria* als staatsunabhängige Rechtsquelle der globalen Wirtschaft?“
Vorsitz: Dr. Christian Kirchner (Professor, Humboldt-Universität).
Impulsreferat: Dr. Karsten Schmidt (Professor, Präsident der Bucerius Law School).
Impulsreferat: Hiroyuki Kansaku (Professor, University of Tokyo).
- (2) Diskussion
Initial Commentary: Dr. Kittisak Prokati (Professor, Thammasat University).
- (3) Berichterstatter: Dr. Harald Baum (Privatdozent, Max-Planck-Institut für ausländisches und internationales Privatrecht).

5. Völkerrecht Arbeitsgruppe

- (1) „Sicherheit durch Völkerrecht in Zeiten der Globalisierung“
Vorsitz: Dr. Masaharu Yanagihara (Professor, Kyushu University).
Impulsreferat: Dr. Philip Kunig (Professor, Freie Universität Berlin).
Impulsreferat: Dr. Naoya Okuwaki (Professor, University of Tokyo).
- (2) Diskussion
Initial Commentary: Dr. Adelheid Puttler (Professor, Ruhr-

Universität Bochum).

- (3) Berichterstatterin: Dr. Doris König (Professor, Bucerius Law School).

Second Day

1. Strafrecht Arbeitsgruppe

- (1) „Grenzüberschreitende Kriminalität und Internationalisierung des Strafrechts“

Vorsitz: Dr. Winfried Hassemer (Professor, Vizepräsident des Bundesverfassungsgerichts).

Impulsreferat: Dr. Philipp Osten (Lecturer, Keio University).

Impulsreferat: Dr. Makoto Ida (Professor, Keio University).

- (2) Diskussion

Initial Commentary: Dr. Sang-Don Yi (Professor, Korea University).

- (3) Berichterstatterin: Dr. Kanako Takayama (Professor, University of Kyoto).

2. Juristenausbildung Arbeitsgruppe

- (1) „Folgen der Globalisierung für die Juristen-Ausbildung“

Vorsitz: Dr. Morio Takeshita (Professor, Präsident der Surugadai University).

Impulsreferat: Dr. Hanns Prütting (Professor, Universität zu Köln).

Impulsreferat: Keiichi Aizawa (Professor, Ministry of Justice).

- (2) Diskussion

Initial Commentary: Mon Monicharia (Oberster Gerichtshof, Kambodscha).

- (3) Berichterstatter: Dr. Heinrich Menkhaus (Professor, Universität Marburg).

3. Plenarveranstaltung

„Berichte aus den Arbeitsgruppen in jeweils 10 Minuten mit Diskussion“

Vorsitz: Tamotsu Isomura (Professor, University of Kobe, Vorsitzender der Japanisch-Deutschen Gesellschaft für Rechtswissenschaft); Dr. Jan Grotheer (Präsident der Deutsch-Japanischen

Juristenvereinigung).

4. Festvortrag

„Rechtskulturen im Dialog: Über Verständnisse und Unverständnisse, Risiken und Chancen einer internationalen Rechtsordnung und Rechtsprechung“

Dr. Vassilios Skouris (Professor, Präsident des Europäischen Gerichtshofes).

5. Podiumsdiskussion

„Perspektiven internationaler rechtswissenschaftlicher Zusammenarbeit in Forschung, Lehre und Studium aus der Sicht des wissenschaftlichen Nachwuchses und Möglichkeiten ihrer Förderung durch die internationalen Förderorganisationen“

Vorsitz: Shiro Ishii (Professor, Vizepräsident der University of Tokyo a.D.); Dr. Hans-Peter Marutschke (Professor, Doshisha University/Fernuniversität Hagen).

Teilnehmer: Dr. Yuko Nishitani (Professor, Tohoku University); Dr. Kanako Takayama (Professor, University of Kyoto); Dr. Kenichi Moriya (Professor, Osaka City University); Dr. Philipp Osten (Lecturer, Keio University); Motoyuki Ono (Japan Society for Promotion of Science); Dr. Christian Bode (DAAD); Dr. Georg Schütte (AvH).

IV. *La Société franco-japonaise de Science Juridique* held its 2005 General Meeting at the University of Tokyo on February 18, 2006.

- (1) “French Democracy and Diversity: Focusing on ‘Pluralism in Trends of Thought and Opinion’”
Masahito Tadano (Professor, Hitotsubashi University).
- (2) “Protection of the Right of Family Formation and Family Life in the Convention for the Protection of Human Rights and Fundamental Freedoms: From the Aspect of Congruity with French Family Law”
Hiroki Hatano (Associate Professor, Osaka University).

V. The *Association for “Societal System & Law” Studies* held its 7th General Meeting at the University of Tokyo on June 3, 2005.

Advocacy Group in Regime-Shifting States

- (1) “NGO for Human Rights in Russia”

Makoto Teranaka (Secretary-General, Amnesty International Japan).

- (2) “Nongovernmental Organization as an Advocacy Group in China: Perspective for the Legislation of Legal Procedure for Public Interests”

Eiichi Ichikawa (Member, Institute of Chinese Affairs).

VI. The *Japanese Association of Asian Law* held its 2005 General Meeting at Waseda University on November 18 and 19, 2005.

First Day

- (1) “Intervention by the Government in the Generation of Patent Rights among Japan, China and Korea, and Legal Actions against Government Judgments”

Maho Nakamura (Research Associate, Intellectual Property Law Section, Research Center for Advanced Science and Technology).

- (2) “Development of a Trust System in China”

Ikuya Nagaki (Doctoral Candidate, Asia University).

Second Day**Individual Reports:**

Chaired by Masayuki Kobayashi (Director, Law and Institution Studies Group, Development Studies Center, Institute of Developing Economies, Japan External Trade Organization).

- (1) “Labor Law Reform and the Formation of New Labor-Management Relationships in Indonesia: Between ‘Collegial Principle,’ ‘Rule of Law’ and ‘Law Enforcement’”

Kosuke Mizuno (Professor, Center for Southeast Asian Studies, Kyoto University).

- (2) “Current State of Support for the Development of Laws in Viet Nam”
Shinji Sakakibara (Chiba District Judge/JICA Ex-Long-Term-Specialist of Assistance Project in Viet Nam for the Development of Laws (Phase 3)).

- (3) “Legal Theory for the Relation between International Law and Domestic Law in China: Through the Comparison of Natural

Adjustment Theory with Coordination Theory”

Tetsuya Ouchi (Lecturer, Seiwa University).

Symposium: Availability and Limits of the Rule of Law Model in Asian Law Studies: Reconsidering Research Methodology

Chaired by Ken Suzuki (Professor, Hokkaido University).

- (1) “Legality in Russia: Social Structure Preventing the Formation of the ‘Rule of Law’”

Taiichiro Oh’e (Professor, Shizuoka University).

- (2) “How Is It Possible to the Define ‘Rule of Law’ in China?”

Osamu Takamizawa (Professor, University of Tokyo).

- (3) “Multilayeredness, Gradualness and Dynamics of the ‘Rule of Law:’ Focusing on the Context of Support for the Development of Laws in Asian Nations”

Hiroshi Matsuo (Professor, Keio University).

VII. The *European Union Studies Association-Japan* held its 26th Annual Conference at Kyushu University on November 12 and 13, 2005.

Common Theme: EU and Governance

First Day

1. Group A

Chaired by: Yoshikatsu Washie (Professor, Doshisha University).

- (1) “The European Political Parties and Supranational Governance”

Steven Day (Associate Professor, Oita University).

- (2) “Governance on the European Spatial Policy: Governing European Space”

Meri Okano (Doctoral Candidate, Waseda University).

- (3) “Soft Law in EU Environmental Governance: An Interface between Law and Politics?”

Yoichiro Usui (Professor, Niigata University of International and Information Studies).

2. Group B

Chaired by Tamio Nakamura (Professor, University of Tokyo).

- (1) “An Analysis on the ‘Europeanization?’: From a Viewpoint of EU Policy-Process”
Maho Kawagoe (Doctoral Candidate, Keio University).
- (2) “Political Power of the ECJ and its Limits: Free Movement of Food and Food Safety Regulations in the European Union”
Yoshitoshi Minami (Doctoral Candidate, Kobe University).
- (3) “Correlation of the EU and its Member Countries in regards to Financial Services Providers and Regulators”
Nobuo Yamamura (Research Fellow, Financial Research and Training Center), Satoshi Mitamura (Technical Researcher, Financial Research and Training Center).

3. Group C

Chaired by Takumi Shimada (Professor, Doshisha University).

- (1) “The Conditions of Stabilizing the Eurosystem: How Peripheral Nations Cope with the Single ECB Monetary Policy”
Kazuyoshi Matsuura (Professor, Matsuyama University).
- (2) “EU Enlargement and Multinational Enterprises: The Case of Japanese Foreign Direct Investment into Central and Eastern European Countries”
Kenichi Ando (Associate Professor, Shizuoka University).
- (3) “The Transformation of Car Production Networks in the European Automobile Industry”
Hiroshi Hosoya (Associate Professor, Hirosaki University).

4. Plenary Session

Chaired by Toshiro Tanaka (Professor, Keio University).

- (1) “Environmental Governance: A Comparative Analysis of EU and Japan Environmental Law”
Takashi Okamura (Professor, Sophia University).
- (2) “Corporate Governance in the EU”
Shosaku Masai (Professor, Waseda University).
- (3) “Governance in the EU”
Anton Pelinka (Professor, University of Innsbruck).

Second Day**1. Morning Session**

Chaired by: Yasuyuki Kokubo (Professor, University of Shizuoka).

- (1) “European Neighborhood Policy as a Formation Process of Regional-Global Governance”

Yuh Hasumi (Professor, Risho University).

- (2) “The Impact of the Referendum on the Ratification of the EU Constitutional Treaty in France”

Hiroataka Watanabe (Professor, Tokyo University of Foreign Studies).

2. Afternoon Session

Chaired by Takao Sasaki (Professor, Hokkaido University).

“EU Governance in the Global Economy: European Institutions and Political Change”

Yuji Inoue (Lecturer, Nagoya University of Foreign Studies).

12. International Law and Organizations

I. The *Japanese Society of International Law* held its 2005 Spring Session at Hitotsubashi University on May 14, 2005.

- (1) “The Feud and Crusade Models in the Theory of *bellum justum* of the 20th Century”

Taira Nishi (Lecturer, Kansai University).

- (2) “The Theory of the International System and Constructivism: Formation and Observance of the ‘Trade Plus’ System”

Satoshi Oyane (Professor, Doshisha University).

- (3) “Responsibilities of States and Responsibilities of Non-State Entities”

James Crawford (Professor, University of Cambridge).

- (4) “The Scope of ‘national activities in outer space’ in the First