

11. Comparative Law

I. The *Japan Society of Comparative Law* held its 73rd General Meeting at Ehime University on June 5 and 7, 2010

First Day

1. Anglo-American Law Section:

- (1) “Critical Race Theory in the Theory of Hate Speech Regulations”
Shinji Higaki (Doctoral Course, Doshisha University).
- (2) “Diversification of Administrative Actors and Formality of Activity and Judicial Review in Great Britain”
Shusaku Kitajima (Associate Professor, Seikei University).
- (3) “Review of the *Heritages Brown Decision* (1954, 1955) have Left in American Society — Focusing on the Critical Assessment”
Hironari Momioka (Associate Professor, Hokkaido University of Education, Asahikawa School).

2. Continental Law Section:

- (1) “Abuse of Authority of Representation and Protected Areas in the Other Party — Referring to Arguments for the Treatment of Comparative Negligence in Germany”
Yasushi Hirayama (Associate Professor, Shimonoseki City University).
- (2) “National Corporations Theory and Interagency Actions in Germany — Interagency Actions Theoretical Basis in Germany”
Yutaka Kadowaki (Associate Professor, Tokyo Metropolitan University).

3. Socialist Law and Asian Law Section:

- (1) “Theory of the Reform of Islamic Divorce law and its Limit — A Case Study of Malaysia”
Takako Kuwabara (Japan International Cooperation Agency).

- (2) “Characteristics and Problems of the Security System in Thailand”
Kikuo Nishizawa (Associate Professor, Kochi Junior College).
- (3) “Outline of the Chinese Law of Torts and its Characteristics in Comparative Law”
Zhu Ye (Associate Professor, Shizuoka Law School).

4. Mini-Symposium A:

“Current condition of exemplary damage”

- (1) “Introduction”
Hisashi Aizawa (Associate Professor, Hokkaido University).
- (2) “United States”
Hisashi Aizawa (Associate Professor, Hokkaido University).
- (3) “France”
Masako Hiromine (Associate Professor, Kobe Gakuin University).
- (4) “Japan”
Kenshin Yoshimura (Doctoral Course, Ryukoku University).

5. Mini-Symposium B:

“New Development of Integration of Laws in Europe — Focusing on Guaranties of Human Rights”

- (1) “Introduction”
Tadashi Takizawa (Professor, Sophia University).
- (2) “From the Viewpoint of EU Law”
Takayuki Sairenj (Lecturer, Meiji University).
- (3) “From the Viewpoint of the European Law of Human Rights”
Maki Kobayashi (Associate Professor, Aichi University).
- (4) “From the Viewpoint of Member States Law”
Tadashi Takizawa (Professor, Sophia University).
- (5) “From the Viewpoint of International Law”
Keiko Kou (Professor, Mie University).

6. Mini-Symposium C:

“Development of New Comparative Administrative Jurisprudence Viewed from Assistance of Legislation”

- (1) “Introduction”
Shigeru Kodama (Professor, Mie University).

- (2) “Assistance of Administrative Legislation and New Comparative Administrative Jurisprudence”
Katsuya Ichihashi (Professor, Nagoya University).
- (3) “Assistance of Chinese Administrative Legislation by the USA and Development of Chinese Administrative Jurisprudence”
Takio Honda (Professor, Ryukoku University).
- (4) “Theory of Assistance of Legislation in Uzbekistan by Japan and its Actual Situation”
Hiroto Tokuda (Professor, Ryukyu University).

Second Day

Symposium: “Compensation for Damages Caused by Medical Accidents — Legal Principle of Responsibility and Securing of Compensation”

Chaired by Toyohiro Nomura (Professor, Gakushuin University).

- (1) “Introduction”
Toyohiro Nomura (Professor, Gakushuin University).
- (2) “New Zealand · Australia”
Ken Mizuno (Professor, Gakushuin University).
- (3) “Sweden”
Kazuki Chiba (Associate Professor, Hokkai-Gakuen University).
- (4) “France”
Namie Takayama (Lecturer, Meiji Gakuin University).
- (5) “America · United Kingdom”
Yutaka Tejima (Professor, Kobe University).
- (6) “Japan”
Ikufumi Niimi (Professor, Meiji University).
- (7) “Comments”
Michitaro Urakawa (Professor, Waseda University).
Tatsuo Kuroyanagi (Lawyer).
Toshiko Sawaguchi (Professor, Fukuoka Jo Gakuin University).
- (8) “Discussion”

II. The *Japanese American Society for Legal Studies* held its 47th General Meeting at Meiji University on September 11 and 12, 2010.

First Day**Seminar of Judicial Precedents:**

- (1) “York v. Wahkiakum School District No. 200, 178 P.3d 995 (Wash. 2008)”
Fujii Tatsuya (Professor, Seikei University).
- (2) “Vaden v. Discover Bank, 129 S.Ct. 1262 (2009)”
Tatsuya Nakamura (Professor, Kokushikan University).
- (3) “Citizens United v. Federal Election Commission, 558 U.S. (2010)”
Higashikawa Koji (Professor, Kanazawa University).

Second Day**Symposium :****“Development of the American Law of Torts”**

- (1) “A Year of High Profile, High Stakes U.S. Litigation: BP, Toyota & Beyond”
Catherine M. Sharkey (Professor, New York University).
- (2) “Latest Reform Related to Punitive Damages”
Hironari Momioka (Associate Professor, Hokkaido University of Education, Asahikawa School).
- (2) “Pre-emption of Product Liability by Federal Administrative Regulations”
Sato Chiaki (Assistant Professor, University of Tokyo).
- (3) “Influence of Class Action Fairness Act 2005 to Class Actions”
Toshikazu Fujimoto (Professor, Osaka University).
- (4) “Crisis of Medical Malpractices and Present Condition of Reform of the Law of Torts”
Kazuyoshi Nonomura (Associate Professor, Doshisha University).
- (5) “Peculiarity and New Tendencies in Environmental Tort”
Eri Osaka (Associate Professor, Toyo University).

III. *Die Japanisch-Deutsche Gesellschaft für Rechtswissenschaft* held its General meeting at Kyoto University on december 18, 2010

Symposium:

“Lebensbezüge in der Privatrechtsdogmatik des 19. und 20. Jahrhunderts”

Hans-Peter Haferkamp (Professor, Universität zu Köln).

IV. *La Société franco-japonaise de Science Juridique* held its 50th General Meeting at University of Tokyo on February 20, 2010.

- (1) “Liberty of Broadcasting and Interactive control”
Masahiro Sokabe (Associate Professor, Kyoto University).
- (2) “About Control of Advertisement in France”
Keita Baba (Professor, Konan University).

V. The *Association for “Societal System & Law” Studies* held its 2010 General Meeting at the Ehime University on June 4, 2010.

“Change of System and Dynamism of labor unions”

- (1) “Explanation of Aims”
Ken Suzuki (Professor, Hokkaido University).
- (2) “Authority, Market and Corporate Management and Labor Unions — Change of Problematic Structure in Poland in the Period of Change of System”
Akio Komorida (Professor, Kanagawa University).
- (3) “Russian Labor Unions as Social Partners — its Significance and its Actual Condition”
Hiroshi Takei (Professor, Konan University).
- (4) “International Process and Present Problems of Chinese Labor Union Law (工会法)”
Tomoaki Ishii (Professor, Meiji University).
- (5) “Labor Management Dispute and Procedures for Determining Working Conditions and Labor Associations — Treatment of Principal Representative Worker in Vietnamese Labor Law”
Yoshihisa Saito (Associate Professor, Kobe University).

VI. The *Japanese Association of Asian Law* held its 2010 Conference at Aoyama Gakuin University on June 19 and 20, 2010, and its 2010 General Meeting at Kochi Junior College on November 6 and 7, 2010.

2010 Conference

First Day

Individual Reports:

Chaired by Hisaaki Hujikawa (Professor, Aoyama Gakuin University).

- (1) “Legal Issues of Immigrant Workers Coming from Myanmar to Thailand — the Case of the Frontier Town Ranong”
Miwa Yamada (Director, Law and Institution Studies Group, Inter-Disciplinary Studies Center, Institute of Developing Economies Japan External Trade Organization).
- (2) “Practical and Legal Problems of Labor Contract in China — in Keeping with Questionnaires of Workers in the City Wuhan, Hubei”
Jun Kodama (Labor and Social Security Attorney).
- (3) “Development of Company Pension Trust System in China — Introduction of the System from America and its Inculturation”
Yang Lingai (Assistant Professor, Aoyama Gakuin University).
- (4) “Female Labor under the Chinese Market Economy and Law”
Wulangerile (Lecturer, Otemon Gakuin University).

Second Day

Symposium:

“Legal Problems about Non-fulltime Workers in Asia”

Chaired by Shinichi Ago (Professor, Kyushu University) and Mikio Yoshida (Professor, Ritsumeikan University).

- (1) “Problem Presentation in Keeping with Present Condition of Non-full-time Workers”
Kozo Kagawa (Professor, Osaka Jogakuin College).
- (2) “Irregular Employment and the Law System”
Noboru Yamashita (Associate Professor, Kyushu University).
- (3) “Irregular Employment and Social Protection”
Yoshihisa Saito (Associate Professor, Kobe University).
- (4) “Irregular Employment and Gender”
Machiko Kamio (Professor, Nihon University).
- (5) “Irregular employment and Labor Reunion”
Masato Araya (Professor, Nihon University).

2010 General Meeting

First Day

Individual Reports:

- (1) “Assistance of Regulation and ICT model of Dispute Resolution Procedures”
Shiro Kawashima (Professor, Doshisha University)
- (2) “The Constitutional the Development in Nepal: Challenges Ahead to Draft a New Constitution”
Prasad Surya Pathak (Doctoral Course, International Christian University)
- (3) “Legislative Trends in Democratic People’s Republic of Korea and its Background”
Mitsuhiro Mimura (Director, Senior Research Fellow, The Economic Research Institute for Northeast Asia)

Second Day

Symposium:

“Original Statue of Thai Law and its Modern Modification”

- (1) “Explanation of Aims”
Kikuo Nishizawa (Professor, Kochi Junior College)
- (2) “One Transect of Modern Codification in Thailand”
Junzo Iida (Professor, Soka University)
- (3) “Appearance of Inheritance from Japanese Civil Law in Parts I and II of the Thai Civil and Commercial Code”
Shiori Tamura (Student Thammasat University)
- (4) “Thailand Becoming Judicial — Focusing on the Dissolution Order to the Party Given by the Constitutional court”
Shinya Imaizumi (Senior Researcher, The Economic Research Institute for Northeast Asia)
- (5) “The Great Transformation in the Civil Proceedings in Thailand Viewing Customer Case Procedural Law (2008)”
Kikuo Nishizawa (Professor, Kochi Junior College)
- (6) “Formation and Change of the Nationality System in Thailand – Focusing on the Problems about the Nationality Problems of

Children of Illegal Immigrant Workers”

Yu Otomo (Lecturer, Asia University)

- (7) “Transition of Policies for the People in Mountainous Regions in Thailand”

Senshu Yoshii (Lecturer, Miyakonojo National College of Technology)

VII. The *European Union Studies Association-Japan* held its 31th Annual Conference at Aoyama Gakuin University on November 13 and 14, 2010

Common Theme: “Lisbon Treaty and its Challenges for the EU”

First Day

1. Plenary Session I:

Chaired by Yuichi Morii (Associate Professor, University of Tokyo).

- (1) Keynote Speech: “The Lisbon Treaty and the Future” of the European Union
Katsuhiro Shoji (Professor, Keio University).
- (2) “Democratic Legitimacy and the Institutional Reform of the EU: The Transformation of European Governance from Maastricht to Lisbon”
Koji Fukuda (Professor, Waseda University).
- (3) “Lisbon Treaty and External Relations of the EU”
Takako Ueta (Mission of Japan to the EU).

2. Plenary Session II:

Chaired by Kumiko Haba (Professor, Aoyama Gakuin University).

- (1) “The new Office of the High Representative, and the new European External Action Service”
Piet O V Eeckhout (Professor, King’s College London).
- (2) “EU Environment Policy after Lisbon”
Julie Raynal (First Secretary, Delegation of the European Union to Japan).

Second Day

1. Group Sessions A:

Chaired by Yasuyuki Kokubo (Professor, Toyo Eiwa University).

- (1) “EU Migration Regime and the Governance after Lisbon”
Midori Okabe (Sophia University).
- (2) “Lisbon Treaty and the Political Strategy of the Enlarged EU — The Presidencies in 2011 and Regional- Neighborhood Policy”
Kumiko Haba (Professor, Aoyama Gakuin University).
- (3) “Impact of the Lisbon Treaty on Public Health Policy in the EU: A Case Study on Alcohol Policy”
Yasue Fukuda (Lecturer, Waseda University).

2. Group Sessions B:

Chaired by Akira NEGISHI (Professor, Konan University).

- (1) “External Competence of the EU after the Treaty of Lisbon”
Yumiko Nakanishi (Professor, Senshu University).
- (2) “Reform of Judicial and Legal Protection System by the Lisbon Treaty”
Satoshi Iriinafuku (Professor, Heisei International University).
- (3) “The Application of the Social Market Economy to the Treaty of Lisbon — A Study of the Economic Order of the European Union from the View of the German Ordo-Liberalism —”
Hiroyuki Kurokawa (Professor, Kanto-Gakuin University).

3. Group Sessions C:

Chaired by Yu Hasumi (Professor, Rissho University).

- (1) “New Development on EU Mediterranean Policy and the Maghreb”
Haruka Takasaki (Assistant Professor, Kyushu University).
- (2) “Difficulties of One-Dimensional Fiscal Policy in the EMU — Applying Optimal Fiscal Policy to Multiple Countries — (Joint Paper with Kenichiro Oohama (Lecturer, Asahi University))”
Yasuhiro Doi (Lecturer, Nagoya University).
- (3) “Ambivalent about Anti-dumping: Legal and Empirical Analysis of EU’s Trends in Anti-dumping (Joint Paper with Tomohiko Kobayashi (Associate Professor, Otaru University of Commerce))”

Chisato Shibayama (Professor, Otaru University of Commerce).

4. Plenary Session II :

Toshiro Tanaka (Professor, Keio University).

- (1) The Reform of EU Institutions and Decision-Making by the Lisbon Treaty
Yoshikatsu Washie (Professor, Doshisha University).
- (2) European Union Foreign, Security and Defense Policy under the Lisbon Treaty: Between Cooperation and Integration
Michito Tsuruoka (National Institute for Defense Studies (NIDS), Ministry of Defense).
- (3) The Lisbon Treaty and Britain: An “Awkward Partner” Revisited?
Yuichi Hosoya (Professor, Keio University).

12. International Law and Organizations

I. The *Japanese Society of International Law* held its 2010 Spring Session at Osaka University on May 8, 2010.

- (1) “Discretion of the International Court of Justice in the Construction of the Operative Clauses of Its Judgments”
Yoshiaki Sato (Professor, Seikei University).
- (2) “Attribution to a State of the Conduct by Private Persons as ‘*de facto* Organs’”
Tomoyuki Yuyama (Professor, Ritsumeikan University).
- (3) “‘Responsibility to Protect’ and the Fluctuation/Change of the Sovereign State Regime”
Tatsuo Akaneya (Professor, University of Tsukuba).
- (4) “Some Problems of ‘State Responsibility’ Concerning the Exploration and Use of Outer Space”
Setsuko Aoki (Professor, Keio University).
- (5) “The *jura novit curia* Principle in the International Court of Justice: With Reference to Its Recent Decisions”
Takane Sugihara (Professor, Kinki University).