

ACTIVITIES

I. Activities of the International Law Association of Japan

THE THIRTY-FIRST ACADEMIC CONFERENCE (2025)

Date: April 26, 2025

Place: Faculty of Law, University of Tokyo (also delivered online)

Theme: Pandemic and International Law

Chair: Toshiya Ueki, Professor, Tohoku University

Speaker: Keizo Takemi, Former Japanese Minister of Health, Labour and Welfare

Speaker: Taira Nishi, Professor, Kansai University

Speaker: Yukari Takamura, Professor, University of Tokyo

Speaker: Dai Yokomizo, Professor, Nagoya University

Lessons Learned from the COVID-19 Pandemic

Keizo Takemi

Former Japanese Minister of Health, Labour and Welfare

The coronavirus disease (COVID-19) pandemic has had a devastating global impact, causing significant loss of life and profound adverse economic and social effects. From this unprecedented pandemic, we must draw a wide range of lessons at both global and national levels.

First, at the global level, the Independent Panel for Pandemic Preparedness and Response, established by the Director-General of the World Health Organization (WHO), issued a report titled “COVID-19: Make It the Last Pandemic”. This report makes two significant contributions: it examines the limitations of the International Health Regulations (IHR) and proposes a Pandemic Framework Convention. The first contribution led to an agreement on a package of amendments to the IHR aimed at strengthening legal enforcement capacity and addressing inequality in access to medical services. The second has prompted active negotiations toward the adoption of the WHO Pandemic Agreement, which is expected to establish certain obligations, including the duty to cooperate at the international level and requirements for domestic regulation and implementation.

Second, at the national level, the pandemic underscored the urgent need for digital transformation (DX) in healthcare and long-term care services. Moreover, it catalyzed the establishment of the Japan Institute for Health Security and accelerated an ongoing project to develop a global drug discovery ecosystem.

In conclusion, we must draw effective lessons from the COVID-19 pandemic

and enhance our preparedness for future health crises. Japan should play a leading role in fulfilling this responsibility.

The Development of International Law and International Organizations Brought About by the Pandemic

Taira Nishi
Professor, Kansai University

The relationship between pandemics and international law should not be reduced to the development of international legal rules for controlling the spread of infectious diseases across borders. As matters of serious international concern, pandemics have had far-reaching effects on international legal norms and the activities of international organizations, going beyond the adoption and revision of the International Health Regulations.

This presentation provides a historical overview of the pandemic's impact on international law, focusing on different health approaches. The bio-medical approach aims to eradicate or control specific infectious diseases by preventing the spread of pathogens via technical means. In contrast, the socio-medical approach focuses on the social aspects of disease and seeks to create resilient societies capable of withstanding the disease by improving health infrastructure and living conditions.

From a historical perspective, the socio-medical approach has been highly respected by global health experts. The Constitution of World Health Organization (WHO) and the Alma-Ata Declaration embraced this approach. The human rights approach, developed during the WHO Program on AIDS, also focuses on the social aspects of infectious diseases. However, the idea of controlling infectious diseases through technical means, as seen in malaria eradication programs, has always existed. Since the late 20th century, global health actors have raised concerns about the politicization and corruption of international organizations and have sought to promote managerial rationality and efficiency by adopting an investment-driven paradigm. For this reason, public-private partnerships have come to play a central role in the field of global health. Consequently, there is a tendency to favor technical programs that can be more easily justified in terms of cost-effectiveness and are more appealing to private investors.

Pandemic and the Environment

Yukari Takamura
Professor, University of Tokyo

As demonstrated by the recently proposed concepts of “one health” and “planetary health”, there is a growing trend toward viewing human health as

inextricably linked with the health of animals and ecosystems. The Pandemic Agreement also adopts this One Health perspective, emphasizing the need to consider human health in the context of broader environmental relationships and stressing the importance of a multi-sectoral and transdisciplinary approach to achieve this goal. Health issues and other social challenges are deeply and complexly intertwined with the natural environment, amplifying the risk of pandemics. From this perspective, recovery efforts following COVID-19 are guided by the concept of “green recovery”, which aims to rebuild the pandemic-damaged economies and societies in an environmentally conscious, decarbonized, disaster-resilient manner that protects and preserves ecosystems and biodiversity.

In environmental law, the concept of policy integration has emerged in various contexts, with efforts to reduce greenhouse gases through market mechanisms being one example. Another issue is “access and benefit-sharing” (ABS) of pathogen genetic resources, which became contentious after the 2007 avian influenza outbreak. In this context, debates have focused on ensuring access to vaccines once developed and on distributing benefits to countries providing genetic resources. In this regard, the Pandemic Influenza Preparedness (PIP) Framework adopted by the World Health Organization Assembly in 2011 established an ABS mechanism using legally binding Standard Material Transfer Agreements, demonstrating that pandemics have accelerated the development of international environmental and economic regimes. The Pandemic Agreement also pursues an ABS mechanism inspired by the PIP Framework. However, the extent to which these efforts will prove effective remains uncertain.

Overall, the experiences of various successive pandemics have prompted environmental laws to adopt a more integrated, cross-disciplinary approach. Accelerating the formation and implementation of laws based on such policy integration is a critical challenge for transitioning to a sustainable society.

Pandemic and Conflict of Laws

Dai Yokomizo
Professor, Nagoya University

The presentation addressed the following question: What was the impact of the novel coronavirus pandemic on the development of conflict of laws, and to what extent did it influence this development?

The government’s promulgation of various regulations across different jurisdictions in response to the novel coronavirus strain known as COVID-19 greatly influenced the activities of private citizens. In particular, regulations restricting the cross-border movement of people and goods gave rise to numerous conflict-of-laws issues, which have been widely discussed in the literature. In light of these developments, the following questions arise when reflecting on the post-pandemic

period: What novel legal issues did the pandemic engender, and what repercussions did it have on the field of conflict of laws?

Following a review of the issues thoroughly discussed during the pandemic in matters of contracts, torts, and family law, the presentation focused on three conflict-of-laws issues arising from COVID-19. These issues include: 1) whether the pandemic should be regarded as constituting “a grave risk that his or her return would expose the child to physical or psychological harm, or otherwise place the child in an intolerable situation”, as defined by Article 13 (1)(b) of the Convention on the Civil Aspects of International Child Abduction; 2) the potential implications for the validity of an exclusive choice-of-court clause designating a foreign court in a country where the pandemic is ongoing; and 3) the validity of online hearings in international arbitration proceedings.

OFFICE ACTIVITIES IN 2024

1. The General Meeting of the Japan Branch was held on April 27, 2024, at the Faculty of Law, University of Tokyo.
 - a. With regard to fiscal year 2023:
 - (i) The financial account of the Japan Branch for fiscal year 2023, audited by Mr. Akira Kawamura and Ms. Naoko Saiki, as prepared by Mr. Yoshio Kumakura, Treasurer, was submitted and approved at the meeting.
 - (ii) The Secretary-General, Professor Kazuhiro Nakatani, reported on the general affairs of the Branch during this term.
 - (iii) Professor Masaharu Yanagihara, Director of Planning, reported on the academic activities of the Branch during this term.
 - (iv) Professor Koichi Morikawa, Editor-in-Chief, reported on the publication of Volume 66 of the *Japanese Yearbook of International Law*.
 - b. With regard to fiscal year 2024:
 - (i) The budget for fiscal year 2024, prepared by Mr. Yoshio Kumakura, Treasurer, was submitted and approved at the meeting.
 - (ii) The Secretary-General, Professor Kazuhiro Nakatani, presented on the general affairs scheduled for this term.
 - (iii) The Director of Planning, Professor Masaharu Yanagihara, presented on the academic activities scheduled for this term.
 - (iv) The Editor-in-Chief, Professor Koichi Morikawa, presented on the progress of the editorial work for volumes 67 and 68 of the *Japanese Yearbook of International Law*.
 - (v) The following 13 persons were admitted as new members of the branch: Masako Takasaki, Adjunct Lecturer, Chuo University; Megumi

Ochi, Associate Professor, Ritsumeikan University; Kiyoshi Hasegawa, Professor, Tokyo Metropolitan University; Eriko Tamura, Associate Professor, Miyazaki Municipal University; Amuro Wakasa, Associate Professor, Tokyo Keizai University; Shin Kawagishi, Professor, Shizuoka University; Ryutaro Date, Professor, Okinawa International University; Emi Sugawara, Professor, Osaka University of Economics and Law; Fumiko Masuda, Professor, Okayama University; Kazuhiko Nakamura, Deputy Director-General, International Legal Affairs Bureau, Ministry of Foreign Affairs; Ryuji Baba, Director, Treaties Division, Ministry of Foreign Affairs; Jun'ichi Hosono, Director, Social Treaties Division, Ministry of Foreign Affairs; Hiroyuki Mase, Director, Economic Treaties Division, Ministry of Foreign Affairs.

- (vi) The following 29 persons were admitted as Council Members of the Branch: Jun'ichi Akiba, Masahiko Asada, Masato Dogauchi, Shuichi Furuya, Kazuya Hirobe, Kazuyori Ito, Yuji Iwasawa, Atsuko Kanehara, Yoshio Kumakura, Yosiro Matsui, Tomohiro Mikanagi, Tadashi Mori, Koichi Morikawa, Yasumasa Nagamine, Kazuhiro Nakatani, Yumi Nishimura-Tsukahara, Naoya Okuwaki, Hisashi Owada, Shigeki Sakamoto, Yoshiaki Sakurada, Masatsugu Suzuki, Koji Teraya, Junko Torii, Toshiya Ueki, Akira Watanabe, Kimio Yakushiji, Koresuke Yamauchi, Masaharu Yanagihara, Shunji Yanai.
- (vii) The following two persons were admitted as Auditors of the Branch: Akira Kawamura and Naoko Saiki.

2. Three Council Meetings were held by mail during fiscal year 2024. They dealt with the following matters:

- a. At the First Council Meeting held in April 2024,
 - (i) The financial account of the Branch for fiscal year 2023 and its budget for fiscal year 2024 were approved;
 - (ii) The general affairs of the Branch for fiscal year 2023 and the program for fiscal year 2024 were approved;
 - (iii) The academic activities of the Branch during fiscal year 2023 and the program for fiscal year 2024 were approved; and
 - (iv) The publication of Volume 66 of the *Japanese Yearbook of International Law* and the progress of the editorial work for Volumes 67 and 68 of the *Japanese Yearbook of International Law* were reported.
- b. At the Second Council Meeting, held in May 2024, the Branch officers were elected as follows:
Chairman of the Council: Shunji Yanai

Vice Chairman of the Council: Masato Dogauchi

Executive Directors: Kazuhiro Nakatani and Masaharu Yanagihara

Treasurer: Akira Watanabe

Secretary-General: Koji Teraya

Editor-in-Chief: Tadashi Mori

Director of Planning: Toshiya Ueki

- c. At the Third Council Meeting, held in November 2024, the following presentations were included:
- (i) The financial conditions of the Branch;
 - (ii) The general affairs of the Branch;
 - (iii) The academic activities of the Branch; and
 - (iv) The progress of the editorial work for Volumes 67 and 68 of the *Japanese Yearbook of International Law*.

Kazuyori Ito

On September 4, 2025, Judge Shigeru Oda, the Honorary President of the Japan Branch, passed away. Judge Oda was the President of the Branch from 2003 to 2009. The Japan Branch expresses its sincere condolences.

II. Activities of Related Academic Associations in Japan

1. Kokusaiho Gakkai (Japanese Society of International Law [JSIL], established in 1897)

The JSIL's 127th Annual Meeting was held on September 2–4, 2024, at Fukuoka Convention Center.

In the afternoon session of the first day, with Kimio Yakushiji (Ritsumeikan University) as the chair, four papers were presented under the common theme of “Perspectives in International Law”. First, Maki Nishiumi (Chuo University) spoke on “Third World Approaches to International Law — History, Content, and Significance”. “Third World Approaches to International Law” consists of a first and a second generation. The first generation emphasized the necessity of transforming international law to serve the interests of developing countries. The second generation (which uses the acronym “TWAIL”) is working to deconstruct and reconstruct the Eurocentric narrative of international law. TWAIL is based on critiques and a dialectical understanding of current international law. Criticisms of TWAIL include arguments about the lack of a scientific basis, self-contradiction, and nihilism; however, none of these are particularly convincing. International law scholarship needs to learn three things from TWAIL: a perspective of substantive equality that values developing countries and their people, a dialectical understanding of the