

# 2016 DILA INTERNATIONAL CONFERENCE

RESOLUTION AND PREVENTION OF INTERNATIONAL ENVIRONMENTAL DISPUTES

# 2016 DILA ACADEMY AND WORKSHOP

JAPANESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW  
STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2015

**DATE:** NOVEMBER 4-7, 2016

**VENUE:** MEIJI GAKUIN UNIVERSITY (SHIROKANE CAMPUS), TOKYO, JAPAN

## CO-HOSTED BY:

THE FOUNDATION FOR THE DEVELOPMENT OF INTERNATIONAL LAW IN ASIA (DILA)  
MEIJI GAKUIN UNIVERSITY (SHIROKANE CAMPUS), JAPAN

## CO-ORGANISED BY:

THE DEVELOPMENT OF INTERNATIONAL LAW IN ASIA-KOREA (DILA-KOREA)  
INSTITUTE FOR INTERNATIONAL STUDIES, MEIJI GAKUIN UNIVERSITY, JAPAN  
EQUILIBRIUM CONSULTING PTE LTD, SINGAPORE  
THE INSTITUTE FOR LEGAL STUDIES OF INHA UNIVERSITY, KOREA



DILA  
THE FOUNDATION for THE DEVELOPMENT of INTERNATIONAL LAW in ASIA



meiji GAKUIN UNIVERSITY  
明治学院大学



Development of International Law in Asia

# 2016 DILA INTERNATIONAL CONFERENCE

RESOLUTION AND PREVENTION OF INTERNATIONAL ENVIRONMENTAL DISPUTES

NOVEMBER 4, FRIDAY

ARRIVAL

NOVEMBER 5, SATURDAY

08:30 – 09:00 **REGISTRATION**

09:00 – 09:20 **WELCOME ADDRESSES**

- 09:00 – 09:20
- **Atsushi YOSHII** (Professor of International Law, Meiji Gakuin University, Japan)
  - **Kanami ISHIBASHI** (Associate Professor of International Law, Tokyo University of Foreign Studies, Japan)
  - **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)

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09:20 – 10:50 **SESSION 1: ENVIRONMENTAL DISPUTE RESOLUTION AND PREVENTION – PART 1**

09:20 – 10:20 ►CHAIRPERSON:

- **Kevin YL TAN** (Director, Equilibrium Consulting Pte Ltd; Professor (Adjunct), Faculty of Law, National University of Singapore, Singapore; Editor-in-Chief, *The Asian Yearbook of International Law*)

►PRESENTATIONS:

- **Yomiko NAKANISHI** (Professor of International Law and EU Law, Hitotsubashi University, Japan)  
: “Various Systems Regarding Dispute Settlement of the European Union”
- **Mari KOYANO** (Professor of International Law, Hokkaido University, Japan)  
: “Is Transboundary Environmental Co-operation Based on Procedural Obligations Possible in the Asian Region? Gaps Between Asian Practice & “Global” Trends”
- **Akiko TOI** (Professor of International Law, Rakuno Gakuen University, Japan)  
: “Collective Efforts to Combat Wildlife Crime in the Asia-Pacific”

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10:20 – 10:50 **DISCUSSION**

10:50 – 11:10 **COFFEE BREAK**

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11:10 – 12:40 **SESSION 2: ENVIRONMENTAL DISPUTE RESOLUTION AND PREVENTION – PART 2**

11:10 – 12:10 ►CHAIRPERSON:

- **Kimio YAKUSHIJI** (Professor of International Law, former President of JSIL, Ritsumeikan University, Japan)

►PRESENTATIONS:

- **Kanami ISHIBASHI** (Associate Professor of International Law, Tokyo University of Foreign Studies, Japan)  
: "The South China Arbitration: Its Significance for Environmental Dispute Resolution and Prevention"
- **Won-Mog CHOI** (Professor, Ewha Law School, Ewha Womans University, Korea)  
: "Trade and Environmental Governance in the FTA Era: Sustainable Step for the Prevention of Global Clash between Trade and Environmental Regimes?"
- **Tran Viet DUNG** (Dean and Professor, Ho Chi Minh City University of Law, Vietnam)  
: "Environmental Disputes involving Foreign Investors in Vietnam: The Other Side of the FDI Coin and How to Solve It"

12:10 – 12:40 **DISCUSSION**

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12:40 – 13:40 **LUNCH**

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13:40 – 15:10 **SESSION 3: CLIMATE CHANGE LITIGATION**

13:40 – 14:40 ►CHAIRPERSON:

- **Tae-Hyun CHOI** (Professor, Hanyang University School of Law; Former President, Korean Society of International Law, Korea)

►PRESENTATIONS:

- **Sumudu ATAPATTU** (Director of Research Centers and Senior Lecturer at University of Wisconsin Law School, USA)  
: "Adjudicating Climate Change: How Useful is the Human Rights Framework?"
- **Yukari TAKAMURA** (Professor of International Law, Nagoya University, Japan)  
: "Climate Litigation: Its Function and Challenges"
- **Deok-Young PARK** (Professor, Yonsei Law School, Korea)  
: "Response to Climate Change and Ocean Fertilization"

14:40 – 15:10 **DISCUSSION**

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15:10 – 15:30 **COFFEE BREAK**

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15:30 – 17:00 **SESSION 4: INTERNATIONAL ENVIRONMENTAL LAW CASES**

15:30 – 16:30 ►CHAIRPERSON:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)

►PRESENTATIONS:

- **Eon Kyung PARK** (Adjunct Professor, Kyung Hee University Law School, Korea) and **Tea-Gil KIM** (Research Fellow, The Institute for Legal Studies, Kyung Hee University Law School, Korea)  
: "Status and International Cooperation Aspect of the Air Quality Control Law and Policy in Korea"

- **Seongjae Rubin LEE** (Corporate Counsel, Legal Affairs & Insurance Team, Hanjin Shipping Co., Ltd., Korea)  
: “The Challenges for International Regime of Oil Spills, What’s the Alternative?”
- **Kyu Rang KIM** (JD Candidate, Inha University Law School, Korea) and **Seong Won LEE** (JD Candidate, Inha University Law School, Korea), edited by **Hana SHOJI** (Research Fellow, The Development of International Law in Asia-KOREA (DILA-KOREA))  
: “The Waste You Left Behind: Polluter Liability as Tort, Korean Supreme Court Decision 2009 Da 66549”
- **Arie AFRIANSYAH** (Faculty of Law, Universitas Indonesia, Indonesia)  
: “Law Enforcement on Transboundary Air Pollution in Indonesia and ASEAN Context: Past, Present, and Future”

16:30 – 17:00 **DISCUSSION**

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**17:00 – 17:30 WRAP UP**

17:00 – 17:30 ►CHAIRPERSONS:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)
- **Kimio YAKUSHIJI** (Professor of International Law, former President of JSIL, Ritsumeikan University, Japan)
- **Kanami ISHIBASHI** (Associate Professor of International Law, Tokyo University of Foreign Studies, Japan)

**18:00 – 20:30 DINNER**

# 2016 DILA ACADEMY AND WORKSHOP

JAPANESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW  
STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2015

## NOVEMBER 6, SUNDAY

### 08:30 – 09:00 REGISTRATION

### 09:00 – 09:20 WELCOME ADDRESSES

- 09:00 – 09:20
- **Atsushi YOSHII** (Professor of International Law, Meiji Gakuin University, Japan)
  - **Kanami ISHIBASHI** (Associate Professor of International Law, Tokyo University of Foreign Studies, Japan)
  - **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)

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### 09:20 – 10:50 SESSION 1: JAPANESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW - PART 1

09:20 – 10:20 ►CHAIRPERSON:

- **Shotaro HAMAMOTO** (Professor of International Law, Kyoto University, Japan)

►PRESENTATIONS:

- **Toshiya UEKI** (Professor of International Law, Tohoku University, Japan)  
: “Japan’s Contributions to International Organizations: From a Historical Viewpoint”
- **Yasue MOCHIZUKI** (Professor of International Organization, Kwansei Gakuin University, Japan)  
: “Japanese “Contribution” to the Development of International Law through the United Nations”
- **Kaoru OBATA** (Professor of International Law, Nagoya University, Japan)  
: “Between Direct Prescription and Factual Effectiveness: Lessons from Shigejiro Tabata’s Theory on Individuals’ Subjectivity in International Law”

10:20 – 10:50 ►COMMENTATORS

- **Seung-Jin OH** (Professor, College of Law, Dankook University, Korea)
- **Dustin Kuan-Hsiung WANG** (Professor, Graduate Institute of Political Science, National Taiwan Normal University, Taiwan)
- **Kevin YL TAN** (Director, Equilibrium Consulting Pte Ltd; Professor (Adjunct), Faculty of Law, National University of Singapore, Singapore; Editor-in-Chief, *The Asian Yearbook of International Law*)

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### 10:50 – 11:10 COFFEE BREAK

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**11:10 – 12:40    SESSION 2: JAPANESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW - PART 2**

11:10 – 12:10    ►CHAIRPERSON:

- **Toshiya UEKI** (Professor of International Law, Tohoku University, Japan)

►PRESENTATIONS:

- **Shotaro HAMAMOTO** (Professor of International Law, Kyoto University, Japan)  
: “Peaceful Settlement of International Disputes and Japan”

- **Kyo ARAI** (Professor of International Law, Doshisha University, Japan)  
: “International Humanitarian Law and Japan”

- **Yurika ISHII** (Lecturer, National Defence Academy, Japan)  
: “Japan’s Anti-Piracy Efforts and its Contribution to International Law”

12:10 – 12:40    ►COMMENTATORS:

- **Pyoung Keun KANG** (Professor of International Law, Korea University School of Law, Korea)

- **Buhm-Suk BAEK** (Professor, College of International Studies, Kyung Hee University, Korea)

- **Guifang Julia XUE** (Executive Director, Research Base on National Marine Rights and Strategy, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)

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**12:40 – 13:40    LUNCH**

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**13:40 – 15:10    SESSION 3: STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2015 - PART 1**

13:40 – 14:40    ►CHAIRPERSON:

- **Kevin YL TAN** (Director, Equilibrium Consulting Pte Ltd; Professor (Adjunct), Faculty of Law, National University of Singapore, Singapore; Editor-in-Chief, *The Asian Yearbook of International Law*)

►PRESENTATIONS:

- **Buhm-Suk BAEK** (Professor, College of International Studies, Kyung Hee University, Korea)  
: “The State Practice of International Law: Korea 2015-2016”

- **Dustin Kuan-Hsiung WANG** (Professor, Graduate Institute of Political Science, National Taiwan Normal University, Taiwan)  
: “Cooperation on Law Enforcement in Fisheries Matters between Taiwan and the Philippines: A New Way to Reduce Maritime Disputes”

- **Kanami ISHIBASHI** (Associate Professor of International Law, Tokyo University of Foreign Studies, Japan)  
: “Further Developments in Fukushima and Other New Movements for Implementing International Human Rights Law in Japan”

- **Guifang Julia XUE** (Executive Director, Research Base on National Marine Rights and Strategy, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)  
: “China’s Legislation on Deep Seabed Mining”

14:40 – 15:10 **DISCUSSION**

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15:10 – 15:30 **COFFEE BREAK**

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15:30 – 17:00 **SESSION 4: STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2015 - PART 2**

15:30 – 16:30 ►CHAIRPERSON:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)

►PRESENTATIONS:

- **Tran Viet DUNG** (Dean and Professor, Ho Chi Minh City University of Law, Vietnam)  
: “Key Developments in Vietnam in the Area in International Economic Law”

- **Kitti JAYANGAKULA** (Professor, School of Law, Eastern Asia University, Thailand)  
: “Thailand Practice in International Law 2015”

- **Kevin YL TAN** (Director, Equilibrium Consulting Pte Ltd; Professor (Adjunct), Faculty of Law, National University of Singapore, Singapore; Editor-in-Chief, *The Asian Yearbook of International Law*)  
: “State Practice in the Asian States: Singapore”

- **Arie AFRIANSYAH** (Faculty of Law, Universitas Indonesia, Indonesia)  
: “Indonesia’s Practice in Combatting Illegal Fishing: 2015-2016”

16:30 – 17:00 **DISCUSSION**

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17:00 – 17:30 **WRAP UP**

17:00 – 17:30 ►CHAIRPERSONS:

- **Kanami ISHIBASHI** (Associate Professor of International Law, Tokyo University of Foreign Studies, Japan)

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)

18:00 – 20:30 **RECEPTION AND DINNER**

## NOVEMBER 7, MONDAY

09:00 – 12:00 **DILA GB MEETING**

12:00 – 13:30 **LUNCH**

14:00 – **DEPARTURE**