

Japanese, Chinese and Indian Investments *In and Out*: New Trends in the Globalization of Law *from* and *within* Asia

Theme and Main Research Questions

While Foreign Direct Investments (FDI) can be seen as one of the major challenges of the globalization of law, their evolution is too often analyzed from a Western perspective only.

In recent years however, new players have profoundly modified the cartography of FDI flows. For instance, Japan, China and India have moved from the position of mere recipients of FDI to that of key actors of international investments. This process of economic globalization is based on, as well as much as it participates to the internationalization of national laws that were already profoundly influenced by the West. Japan, China and India thus export a unique set of standards marked by very different economic, social and political realities, but always characterized by their syncretic nature. Jostled by globalization, national laws are now faced with an unprecedented epistemological revolution. Traditional sources and actors of law are deeply questioned by a globalization of knowledge and practices that are not only exported from a legal order to another, but gradually de-territorialized in many singular spheres thus constituting hybrid, plural and dynamic spaces.

These legal journeys often described as “aggressive legalism” in reference to Japanese policies, challenge modern and western conceptions of law while this “métis” law meets with other legal systems still invested by the West but on territories where globalization happens without him.

Far from the “ready made” legal-economic doctrine on what should be the foundation of a successful international investment, the practices of these three great nations challenge the very nature of the internationalization of law.

In the continuity of an academic research initiated by the MFJ, in 2009, on “Law, Culture and Development in a Globalized Legal Environment”, this project aims at conceptualizing, in a multidisciplinary fashion, the globalization of standards and practices of Japanese, Chinese and Indian international investments, in developed and developing countries and based on concrete “objects”: bilateral investment treaties (BIT), large international contracts, corporate social responsibility (CSR) policies, methods of dispute resolution (arbitration and alternative dispute mechanisms), etc.

A Strategic Opening-up to Practitioners

Going beyond the traditional academic sphere, this conference and workshop will involve numerous legal practitioners (law firms, corporate lawyers) and business leaders. These professionals will not only inform and enrich the debate by their business experience, but also allow us to publicize new legal thinking and approaches in larger spheres.

A dynamic format

While the format chosen is that of an international conference, we are also convinced of the limits of such an academic exercise and feel that it is essential to introduce more interactivity and devote larger amount of time to discussions. Thus the second part of this meeting will be dedicated to a “closed” brainstorming conceived as workshop for publication.

Venue

Maison franco-japonaise 日仏会館

Bureau Français 6th (Room 601)

3-9-25 Ebisu, Shibuya, Tokyo

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Date

June 2010, 11th (Friday) – 12th (Saturday) (morning)

Friday 11th, from 9.30 am to 6.30pm

Saturday 12th, from 9.30am to 1.00pm

CO-ORGANIZERS:

Maison franco-japonaise, Institut Français de Recherche à l'étranger, UMIFRE 19,
CNRS-MAEE

Maastricht University, Institute for Globalisation and International Regulation

CONTACTS :

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PANELS (Friday 11th):

- ☐ Investments and the Law *in and from* Asia: a Mapping Exercise (Panel 1)
- ☐ The Globalization of Investments Contracts (Panel 2)
- ☐ Disputes Settlements – An Asian Way? (Panel 3)

WORKSHOP (Saturday 12th, morning):

- ☐ *Focus on a Specific Issue:*
Contracting for Human Rights and the Environment
- ☐ *Wrap-up and Round Table:*
Globalization and Legal Journeys *from* and *within* Asia: New and Old Concepts

NUMBER OF SPEAKERS: 18

LANGUAGE: English (English required for presentations, possibility to use Japanese during the discussion, publications in English, French, Japanese, Chinese).

FORMAT: 15 minutes for each presentation (+10mn discussion).

Targeted audience:

Scholars (mainly those specialized in legal studies);

Practitioners (lawyers, mainly those of international legal firms based in Tokyo)

Business community (through the chambers of commerce present in Japan and the EU-Japan Center for Industrial Cooperation)

Interested officials

With the participation of:

MATSUSHITA Mitsuo (Professor Emeritus, Tokyo University, Former Member of the WTO Appellate Body), TANIGUCHI Yasuhei (Professor, Tokyo Keizai University; Attorney at Law; Former Member of the WTO Appellate Body), KATO Masanobu (Professor, Sophia

University), HAYAKAWA Yoshihisa (Professor, Rikkyo University; Attorney at Law), Gerald Paul McALINN (Professor, Keio University), Luke NOTTAGE (Professor, Sydney University), Gilles LHUILIER (Professor, South Brittany University), Julien CHAISSE (Professor, Chinese University of Hong Kong), Manoj Kumar SINHA (Professor, Calcutta, WB National University of Juridical Sciences), Jawahar Lal KAUL (Professor, Delhi University), Nicole KORNET (Assistant professor, Maastricht University), Leïla CHOUKROUNE (Assistant professor, Maastricht University) - co-organizer, Isabelle GIRAUDOU (Researcher, Maison franco-japonaise) - co-organizer, KOBAYASHI Eiji (Attorney at Law, Nishimura & Asahi), Mark GOODRICH (Attorney-at-Law, White & Case, Tokyo), Dominic ROUGHTON (Attorney-at-Law, Herbert Smith, Tokyo), Vincent PACE (Foreign Attorney, Nagashima Ohno, Tokyo), Etienne LAUMONIER (Support Lawyer, Audier & Partners, Hanoi).

To be confirmed:

Jun CHENG (Lawyer, Beijing), Jiayou SHI (Associate Professor of Law, Renmin University).

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Institutions having provided their support to disseminate the related information:

☐ **The Australian Network for Japanese Law (ANJeL)**



☐ **Conventions, Réguler la mondialisation**

