

Research Seminar

June 7-8, 2012 Maison franco-japonaise (Tokyo)

The New Normative Spaces of Globalization

On International Commercial Arbitration in Asia

and the Principles of Asian Contract Law

PROGRAM

Co-organized by:

Institut français de recherche sur le Japon, UMIFRE 19 (CNRS – MAEE)

Maison des Sciences de l'Homme en Bretagne (MSHB)

With the collaboration of:

**GLSN Global Legal Studies Network / Réseau Mondialisation du droit - (Fondation
Maison des Sciences de l'Homme Paris)**

SHORT DESCRIPTION

The first day of this one day and a half seminar will be devoted to the **close examination of two significant issues of positive law**. The afternoon of the second day will give the participants the opportunity **to question these legal practices from a theoretical standpoint**.

During the first day of the seminar (June 7), the participants will focus on positive law and examine: the elaboration of the so-called ***Principles of Asian Contract Law, PACL (Panel 1)***; the practice of **international commercial arbitration in Asia (Panel 2)**. Naoki KANAYAMA will talk about the efforts of a multi-national group of Asian contracts scholars to develop a private convention of contract law principles, drawing from multiple national traditions. In the same way, Yoshihisa HAYAKAWA will describe the roles of choice and mixing in developing the infrastructure for private international commercial arbitration in Asia. Involving all the participants, the following discussion will focus on three specific set of questions:

- ❑ How do the concerned actors (i.e. those involved in the drafting of principles such as PACL or in international commercial arbitration) choose the law? What is their practice regarding the *choice of the law*?
- ❑ What are the chosen norms? And is it relevant to consider the *choice of the law* in terms of normative creation?
- ❑ What are the discourses of the concerned actors regarding both their own practice of choice and the chosen norms?

During the second day of the seminar (June 8), the participants will examine the cases dealt with the first day and their common features from a theoretical point of view. Four participants will address from various disciplinary perspectives and approaches the demarcation of emerging and evolving spaces as well as the construction of these spaces as artifacts for human activity. Confronted with the intricacies of a changing regulatory architecture consisting of both public and private, “hybrid” norm creation systems which are no longer exclusively located on either on a domestic or international level, they will also – as well as the other participants – engage in methodological introspection.

PARTICIPANTS *(alphabetical order)*

Thomas BRISSON (Associate Professor, Paris VIII University)

Laurent DUBOIS (Registered Foreign Lawyer, Tokyo)

Isabelle GIRAUDOU (Researcher, French Research Institute on Japan, Maison franco-japonaise)

Kō HASEGAWA (Professor, Hokkaido University)

Yoshihisa HAYAKAWA (Professor, Rikkyo University)

Béatrice JALUZOT (Associate Professor, IEP, Lyon III University)

Naoki KANAYAMA (Professor, Keio University)

Sōichirō KOZUKA (Professor, Gakushūin University)

Étienne LAUMONIER (Lawyer, Partner, Ho Chi Minh City)

Gilles LHUILIER (Professor, South Brittany University, Research Associate at CEDE-ESSEC Business School)

Andrew SUTTER (Registered Foreign Lawyer; Specially Appointed Professor, Rikkyo University)

Hiromi UEDA (Professor, Asia University)

Dai YOKOMIZO (Professor, Nagoya University)

6 other participants to be confirmed

Announcement and Preparatory Documents can be downloaded:

MFJ Website (Agenda page) :

http://www.mfj.gr.jp/agenda/2012/06/07/globalization_and_new_normativ/

GLSN web page : glsn.eu

PROGRAM

THURSDAY (June 7) / 9.00 – 17.30

PACL and International Commercial Arbitration in Asia A Close Examination of Two Distinctive Objects of Research

MORNING SESSION / 9.00 – 12.30

9.00 – 9.30 Welcoming of the participants

9.30 – 9.45 Opening by the co-organizers

Isabelle GIRAUDOU, Researcher, Institut français de recherche sur le Japon (CNRS-MAEE), Maison franco-japonaise

Gilles LHUILIER, Professor, South Brittany University, Research Associate at CEDE-ESSEC Business School Paris-Singapore

“The Concept of Normative Space – A Short Introduction”

FIRST PANEL - THE PRINCIPLES OF ASIAN CONTRACT LAW (PACL)

9.45 – 10.45 / PRESENTATION

Naoki KANAYAMA (Professor, Keio University): **“Principles of Asian Contract Law”**

10.45 - 12.30 / DISCUSSION

10.45 – 11.15 / How do the concerned actors choose the law?

Comments, Questions and Answers (all the participants)

Coffee Break (15 minutes)

11.30 – 12.00 / What are the chosen norms?

Comments, Questions and Answers (all the participants)

12.00 – 12.30 / What are the Choice Makers’ Discourses?

Comments, Questions and Answers (all the participants)

LUNCH 12.30 – 14.00 *

AFTERNOON SESSION / 14.00 – 17.30

SECOND PANEL - INTERNATIONAL COMMERCIAL ARBITRATION IN ASIA

14.00 – 15.00 / PRESENTATION

Yoshihisa HAYAKAWA (Professor, Rikkyo University): **“International Commercial Arbitration and Normative Space”**

* Restaurant L’ESPACE (MFJ 2nd floor – Hall) (for registered participants)

15.00 – 17.30 / DISCUSSION

15.00 – 15.45 / How do the concerned actors choose the law?

Comments, Questions and Answers (all the participants)

Coffee Break (15 minutes)

16.00 – 16.45 / What are the chosen norms?

Comments, Questions and Answers (all the participants)

16.45 – 17.30 / What are the Choice Makers' Discourses?

Comments, Questions and Answers (all the participants)

Diner *

FRIDAY (June 8) / 14.00 – 17.50

The Similarity between Two International Practices: An Analysis from the 'Normative Space' Perspective

14.00 – 14.20 INTRODUCTORY INTERVENTION

Andrew SUTTER, Registered Foreign Lawyer, Specially Appointed Professor, Rikkyo

University: "Of Bentō and Bagels: Globalization and New Normative Spaces"

14.20 – 15.05 SECOND INTERVENTION

Gilles LHUILIER, Professor, South Brittany University, Research Associate at CEDE-ESSEC

Paris-Singapore

Business School: "The Concept of 'Normative Space' (From International Law to Philosophy of the Mind and Japanese Cooking)"

Discussion (40 minutes): The Similarity between PACL and International Commercial Arbitration in Asia from the Perspective of 'Normative Space'

Coffee Break (15 minutes)

16.00 – 16.30 THIRD INTERVENTION

Kō HASEGAWA, Professor, Hokkaido University: "Observations on the Making of Normative Spaces from the Viewpoint of Legal Philosophy"

Discussion (20 minutes)

16.50 – 17.20 FOURTH INTERVENTION

Thomas BRISSON, Associate Professor, Paris VIII University: "Observations on the Making of Normative Spaces from the Viewpoint of Historical Sociology"

Discussion (20 minutes)

17.40 – 17.50

Gilles LHUILIER, **Isabelle GIRAUDOU** - *Remerciements and a few closing remarks*

* From 18.00, for registered participants.

MAISON
FRANCO -
JAPONAISE

日仏会館

Venue

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Date

June 7-8, 2012
Thursday 7th, from 9.00 to 17.30
Friday 8th, from 14.00 to 17.50

