

THE SECOND BIENNIAL GENERAL CONFERENCE  
THE ASIAN SOCIETY OF INTERNATIONAL LAW

University of Tokyo  
Tokyo, 1-2 August 2009





**THE SECOND BIENNIAL GENERAL CONFERENCE  
THE ASIAN SOCIETY OF INTERNATIONAL LAW  
TOKYO, 1-2 AUGUST 2009**

**"International Law in a Multi-polar and Multi-civilizational World :  
Asian Perspectives, Challenges and Contributions"**

Welcome to Tokyo, the capital of Japan, a country which once sought to abide by existing international law faithfully so as to be recognized as a "civilized nation", but violated it flagrantly during its illegal military expansion into Asia and the Pacific from 1931 to 1945. We once again sought to observe existing international law faithfully during the postwar period, and now, in the 21st century, seek to construct and reconstruct, not just to follow, international law in the common interests of all humanity, together with Asian and other peoples of the world. We welcome you all, coming from various regions of the globe, with various experiences and perspectives on international law, for we believe that it is such a diversity of views, based on a solid academic and practical understanding, that will enrich the discipline.

In the 21st century, the world will be more multi-polar and multi-civilizational than it was in the 20th century. China and India are expected to become superpowers, rivaling the US. Such a multi-polarization of power will mean that there is a greater mix of cultures and religions in the international society. The legal regimes led by the West in the 20th century, with democracy, human rights and capitalism at their core will remain, but the voices of Asia and the Islamic world will be stronger. Western values with regard to issues such as the protection of the global environment and the relationship between human rights and religions will no longer necessarily dominate. The increasing diversification of the global community in the 21st century is a development that should be welcomed.

How will the international legal order transform itself amidst such a shift of power and values in the global community? This is an important challenge facing humankind in the 21st century. It is an urgent issue requiring serious deliberation, especially for the Asian people, who are expected to play an important role in the diversification of power and values. What should we do to bring about a desirable transformation of international law? In the past, the international legal order was led by the West. The Asian nations and peoples were limited to taking a reactive stance, merely utilizing the given systems of international law and criticizing the points with which they were dissatisfied. Such a reactive stance is not appropriate for an Asia which equals the West economically and makes arguments on an equal footing with the West. Asia needs to make its own proposals regarding the manner in which international law can support the world of the 21st century and realize the common interests of humankind. Asia must share fair and equitable responsibility for the international legal order, its ideas and systems.

The Asian Society of International Law, upon hosting its Second Biennial General Conference in Tokyo, will take up this important issue of Asia's relationship with the international legal order under the main theme of "International Law in a Multi-polar and Multi-civilizational World : Asian Perspectives, Challenges and Contributions." At the Conference, learned, experienced, aspiring international law scholars and practitioners from around the world will learn from each other, exchange views critically, and disseminate the results all over the world. We sincerely hope to see many people participate in the Conference so that it can be an opportunity to understand the law and reality of the global community, challenge its dominant premises and understandings, and make constructive proposals for the international legal order in a multi-polar and multi-civilizational world.

The Organizing Committee of the Second Biennial General Conference of  
the Asian Society of International Law in Tokyo

# PROGRAM AT A GLANCE

## DAY 1 : SATURDAY, 1st AUGUST

10:00-12:30	<b>Open Forum</b>	<Yasuda Auditorium>
12:30-14:00	<b>Lunch</b>	<Box lunches provided at Sanjo Conference Hall & Faculty of Law & Letters Bldg1 (Room 21/22/25)>
14:00-15:00	<b>Opening Ceremony</b>	<Yasuda Auditorium>
15:00-18:00	<b>Plenary Session I</b>	<Yasuda Auditorium>
18:30-19:30	<b>Reception</b>	<Sanjo Conference Hall>

## DAY 2 : SUNDAY, 2nd AUGUST

9:30-11:00	<b>Panel Session A</b>	/ 6 parallel panel sessions
	A-1	Agora Session : Power <Law Faculty Room 21>
	A-2	Agora Session : Culture and /or Civilization <Law Faculty Room 22>
	A-3	Agora Session : History <Law Faculty Room 26>
	A-4	Asian Perspectives on Conflict of Laws and Choice of Court <Sanjo Conference Hall, Large Conference Room>
	A-5	Oceans and the Law of the Sea <Law Faculty Room 27>
	A-6	From Rule Takers, Shakers to Makers : How Japan, China and Korea Shaped New Norms in International Economic Law <Yasuda Auditorium>
11:00-11:15	<b>Break</b>	
11:15-13:00	<b>Panel Session B</b>	/ 5 parallel panel sessions
	B-1	Investment Treaty Arbitration <Yasuda Auditorium>
	B-2	Asian Perspectives on the International Criminal Court <Law Faculty Room 21>
	B-3	Constitutionalism and Functionalism in International Law <Law Faculty Room 26>
	B-4	International Human Rights and Humanitarian Law in National Courts <Law Faculty Room 22>
	B-5	International Climate Regime and Sustainable Development in Asia <Sanjo Conference Hall, Large Conference Room>
13:00-14:15	<b>Lunch</b>	<Box lunches provided at Sanjo Conference Hall & Faculty of Law & Letters Bldg1 (Room 21/22/25)>
14:15-16:15	<b>Panel Session C</b>	/ 3 parallel panel sessions
	C-1	Transparency in International Trade and Investment Dispute Settlement <Yasuda Auditorium>
	C-2	Feminist International Legal Studies and the Thirty Years of the CEDAW Convention <Sanjo Conference Hall, Large Conference Room>
	C-3	Human Security in Asia <Law Faculty Room 21>
16:15-16:30	<b>Break</b>	
16:30-17:00	<b>General Meeting of the Asian Society of International Law</b>	<Yasuda Auditorium>
17:00-18:30	<b>Plenary Session II</b>	<Yasuda Auditorium>
18:30-18:40	<b>Closing Remarks</b>	<Yasuda Auditorium>
19:30-21:30	<b>Gala Dinner</b>	<Garden Restaurant Chinzan-so>

# CONFERENCE PROGRAM

## DAY 1 : SATURDAY, 1st AUGUST

10:00-12:30 **Open Forum** <Yasuda Auditorium>

**Chair :**

- YAMASHITA Yasuko (Professor, Bunkyo Gakuin University; Former President, Japan Association of Gender and Law)

**Moderator :**

- NOMURA Akio (Director, Asahi Shimbun Institute of Journalism; Former Director, UN Information Centre, Tokyo)

**Panel Speakers :**

- Edith BROWN WEISS (Professor, Georgetown University; Former President, American Society of International Law)
- MOGAMI Toshiki (Professor, International Christian University; Former President, Peace Studies Association of Japan)
- OWADA Hisashi (President, International Court of Justice; President, Asian Society of International Law)
- XUE Hanqin (Member of the UN International Law Commission; Vice-President, Chinese Society of International Law)

12:30-14:00 **Lunch** <Box lunches provided at Sanjo Conference Hall & Faculty of Law & Letters Bldg1 (Room 21/22/25)>

14:00-15:00 **Opening Ceremony** <Yasuda Auditorium>

- KOZAI Shigeru (Co-President, Organizing Committee of the Tokyo Conference)
- OWADA Hisashi (President, Asian Society of International Law)
- SAKURADA Yoshiaki (President, Japanese Society of International Law)
- MIYAZAKI Makoto (President, Japan Federation of Bar Associations)
- TSURUOKA Koji (Director-General, International Legal Affairs Bureau, Ministry of Foreign Affairs of Japan)
- Hélène RUIZ FABRI (President, European Society of International Law)
- XUE Hanqin (Member of the UN International Law Commission)

15:00-18:00 **Plenary Session I** <Yasuda Auditorium>

16:20-16:40 **Break**

**Moderator/Chair :**

- ONUMA Yasuaki (Professor, Meiji University; Vice-President, Asian Society of International Law)

**Main Speakers :**

- Edith BROWN WEISS (Professor, Georgetown University)
- Bhupinder S. CHIMNI (Professor, Jawaharlal Nehru University; Grotius Lecturer at the 100th Annual Meeting of the ASIL [2006])
- Martti KOSKENNIEMI (Professor, University of Helsinki; Former Member of the UN International Law Commission)
- XUE Hanqin (Member of the UN International Law Commission)

**Discussants :**

- Rahamat Bin MOHAMED (Secretary-General, Asian-African Legal Consultative Organization)
- YEE Sienho (Professor, Wuhan University)

18:30-19:30 **Reception** <Sanjo Conference Hall>

## DAY 2 : SUNDAY, 2nd AUGUST

9:30-11:00 **Panel Session A** / 6 parallel panel sessions

A-1 **Agora Session : Power** <Law Faculty Room 21>

**Moderator/Chair :**

- Shirley Veronica SCOTT (Associate Professor, University of New South Wales)

**Panel Speakers :**

- Upendra D. ACHARYA (Assistant Professor, Gonzaga University)
- Afshin A-KHAVARI (Senior Lecturer, Griffith University)
- Philip NICHOLS (Associate Professor, University of Pennsylvania)
- Victor V. RAMRAJ (Associate Professor, National University of Singapore)

A-2 **Agora Session: Culture and/or Civilization** <Law Faculty Room 22>

**Moderator/Chair :**

- Surya P. SUBEDI (Professor, University of Leeds)

**Panel Speakers :**

- Michael Ewing CHOW (Associate Professor, National University of Singapore)
- PAN Junwu (Lecturer, Northwest University of Politics and Law)
- Niels PETERSEN (Senior Research Fellow, Max Planck Institute for Research on Collective Goods)
- Rima TKATOVA (PhD Student, Université Jean Moulin Lyon 3)



# CONFERENCE PROGRAM

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## A-3 **Agora Session: History** <Law Faculty Room 26>

### **Moderator/Chair :**

- Venkateswara S.MANI (Professor, Director, School of Law and Governance, Jaipur National University; Executive President, Indian Society of International Law)

### **Panel Speakers :**

- Arnulf BECKER LORCA (Lecturer, King's College London)
  - Diane DESIERTO (Professional Lecturer, University of the Philippines)
  - James GREEN (Lecturer, University of Reading)
  - Kate MILES (Lecturer, University of Sydney)
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## A-4 **Asian Perspectives on Conflict of Laws and Choice of Court** <Sanjo Conference Hall, Large Conference Room>

### **Moderator/Chair :**

- Alejandro CARBALLO (Visiting Fellow, Lauterpacht Centre for International Law)

### **Panel Speakers :**

- CHEN Weizuo (Associate Professor, Tsinghua University)
  - Graeme JOHNSTON (Managing Partner, Herbert Smith Shanghai)
  - TEZUKA Hiroyuki (Partner, Nishimura & Asahi)
- 

## A-5 **Oceans and the Law of the Sea** <Law Faculty Room 27>

### **Moderator/Chair :**

- MIYOSHI Masahiro (Professor Emeritus, Aichi University)

### **Panel Speakers :**

- Mohd Nizam BASIRON (Research Fellow and Head, Centre for Maritime Security and Environment, Malaysia)
  - Mary GEORGE (Professor, University of Malaya)
  - Mary Ann PALMA (Research Fellow, Australian National Centre for Ocean)
  - Robin WARNER (Senior Research Fellow, Australian National Centre for Ocean)
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## A-6 **From Rule Takers, Shakers to Makers: How Japan, China and Korea Shaped New Norms in International Economic Law** <Yasuda Auditorium>

### **Moderator/Chair :**

- MATSUSHITA Mitsuo (Former Member of the WTO Appellate Body )

### **Panel Speakers :**

- AHN Dukgeun (Associate Professor, Seoul National University)
- Henry GAO (Associate Professor, Singapore Management University)
- Saadia PEKKANEN (Professor, University of Washington)

### **Commentator :**

- FUKUNAGA Yuka (Associate Professor, Waseda University)
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11:00-11:15 **Break**

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11:15-13:00 **Panel Session B** / 5 parallel panel sessions

## B-1 **Investment Treaty Arbitration** <Yasuda Auditorium>

### **Moderator/Chair :**

- HAMAMOTO Shotaro (Professor, Kyoto University)

### **Main Speaker :**

- Michael HWANG (Senior Counsel and Chartered Arbitrator; President of the Law Society of Singapore)

### **Panel Speakers :**

- Omar GARCIA-BOLIVAR (President, BG Consulting)
  - HAYAKAWA Yoshihisa (Professor, Rikkyo University)
  - Romesh WEERAMANTRY (Assistant Professor, City University Hong Kong)
- 

## B-2 **Asian Perspectives on the International Criminal Court** <Law Faculty Room 21>

### **Moderator/Chair :**

- LIU Daqun (Judge, International Criminal Tribunal for the Former Yugoslavia)

### **Main Speaker :**

- Raul PANGALANGAN (Professor, University of the Philippines)

### **Panel Speakers :**

- Neha JAIN (Max Planck Institute for Foreign and International Criminal Law)
- NOGUCHI Motoo (International Judge, Supreme Court Chamber, Extraordinary Chambers in the Courts of Cambodia [ECCC])

# CONFERENCE PROGRAM

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## B-3 Constitutionalism and Functionalism in International Law <Law Faculty Room 26>

### Moderator/Chair :

- AGO Shin-ichi (Professor, Kyushu University)

### Panel Speakers :

- Simon CHESTERMAN (Associate Professor, National University of Singapore)
- Tom GINSBURG (Professor, University of Chicago)
- Professor Martti Koskenniemi will take part in the discussion.

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## B-4 International Human Rights and Humanitarian Law in National Courts <Law Faculty Room 22>

### Moderator/Chair :

- SHIN Hae Bong (Professor, Aoyama Gakuin University)

### Panel Speakers :

- PARK Chan Un (Associate Professor, Hanyang University)
- Paul RISHWORTH (Dean, Faculty of Law, University of Auckland)
- WANG Zhi An (Professor, Komazawa University)

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## B-5 International Climate Regime and Sustainable Development in Asia <Sanjo Conference Hall, Large Conference Room>

### Moderator/Chair :

- TAKAMURA Yukari (Professor, Ryukoku University)

### Main Speaker :

- WANG Xueman (Senior Legal Adviser, World Bank)

### Panel Speakers :

- David LEARY (Senior Research Fellow, University of New South Wales)
- OTA Minoru (Attorney-at-Law, Nagashima Ohno & Tsunematsu)

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**13:00-14:15 Lunch** <Box lunches provided at Sanjo Conference Hall & Faculty of Law & Letters Bldg1 (Room 21/22/25)>

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**14:15-16:15 Panel Session C** / 3 parallel panel sessions

## C-1 Transparency in International Trade and Investment Dispute Settlement <Yasuda Auditorium>

### Moderator/Chair :

- NAKAGAWA Junji (Professor, University of Tokyo)

### Main Speaker :

- Florentino P. FELICIANO (Former Member of the WTO Appellate Body; Former Associate Justice, Supreme Court of the Philippines)

### Panel Speakers :

- Peter LALLAS (Executive Secretary, World Bank Inspection Panel)
- Federico ORTINO (Reader, King's College, London)

### Commentator :

- Daniel MAGRAW (Director, Center for International Environmental Law, Washington D. C.)

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## C-2 Feminist International Legal Studies and the Thirty Years of the CEDAW Convention <Sanjo Conference Hall, Large Conference Room>

### Moderator/Chair :

- ABE Kohki (Professor, Kanagawa University)

### Main Speaker :

- Hilary CHARLESWORTH (Professor, Australian National University)

### Panel Speakers :

- Cecilia Rachel (Coco) QUISUMBING (Commissioner, Commission on Human Rights of the Philippines)
- SHIN Heisoo (Former Member of the CEDAW)

# CONFERENCE PROGRAM

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## C-3 Human Security in Asia <Law Faculty Room 21>

### Moderator/Chair :

- Markandey KATJU (Justice, Supreme Court of India)
- SATO Yasunobu (Professor, University of Tokyo)

### Main Speaker :

- Tom FARER (Dean, Josef Korbel School of International Studies, University of Denver)

### Panel Speakers :

- ASAHII Hideaki (Professor, University of Tokyo; Former Ambassador to Timor-Leste)
  - Thi Thuy Van DINH (Interdisciplinary Centre on Environmental and Planning Law, Limoges)
  - KUONG Teilee (Associate Professor, Nagoya University)
  - Allan MACKEY (Chairman, Refugee Status Appellate Authority of New Zealand)
  - Sharon ONG Su Min (State Counsel, Attorney-General's Chambers, Singapore)
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16:15-16:30 **Break**

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16:30-17:00 **General Meeting of the Asian Society of International Law** <Yasuda Auditorium>

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17:00-18:30 **Plenary Session II** <Yasuda Auditorium>

### Moderator/Chair :

- R.P. ANAND (Professor Emeritus, Jawaharlal Nehru University; Executive Presiden, Indian Society of International Law)

### Panel Speakers :

- Hilary CHARLESWORTH (Professor, Australian National University)
  - Tommy KOH (Professor, National University of Singapore; Vice-President, Asian Society of International Law)
  - Abdul G. KOROMA (Judge, International Court of Justice)
  - NAGAHAMA Tsuyoshi (Attorney-at-Law; Member of the Foreign Lawyers and International Legal Practice Committee, Japan Federation of Bar Associations)
  - Hélène RUIZ FABRI (Professor, Université de Paris 1 (Panthéon-Sorbonne) ; President, European Society of International Law)
  - XUE Hanqin (Member of the UN International Law Commission)
- 

18:30-18:40 **Closing Remarks** <Yasuda Auditorium>

- HAMADA Kunio (Co-President, Organizing Committee of the Tokyo Conference)
- 

19:30-21:30 **Gala Dinner** <Garden Restaurant Chinzan-so : 2-10-8, Sekiguchi, Bunkyo-ku, Tokyo>

# General Information for Conference Participants

Conference Venue : The University of Tokyo

(Hongo Campus, 7-3-1 Hongo, Bunkyo-ku, Tokyo 113-8654, Japan, TEL: 03-5841-2333)

## Registration

We only accept on-line registration, which means you do not need to register on site once you have received the on-line registration confirmation. However, in order to receive conference materials, you will need to present yourself to the registration desk located at Faculty of Law & Letters Bldg1 ( 法文 1 号館 ). The registration desk is open from 9:30 to 18:00, Saturday, 1 August and 9:30 to 13:00, Sunday, 2 August.

## What to wear

Attire at the Tokyo Conference is business casual (including dinners). Feel free to be comfortable in slacks, polo shirts, blouses, and comfortable shoes. Suits, ties, formal dresses, and high heels are not required. This is in line with the governmental campaign to reduce greenhouse gas emissions. Since 2005, the Japanese government has been promoting a business style called "COOL BIZ" to tackle global warming. The idea is that by dressing more lightly, it enables us to feel cool and comfortable when working in offices with the air conditioning set at 28 degrees Celsius in summer. Traditional summer clothes (kariyushi wear, barong tagalog, batik shirt, etc.) are most welcome and encouraged in reflection of the spirit of the Conference.

## Badges

Please wear the registration badge throughout the Conference. In case you have lost it, we will be able to reissue the badge at the registration desk upon presentation of your personal ID.

## Open Forum

The Open Forum (10:00-12:30, Saturday, 1 August) is an event open to the general public. Simultaneous interpretation is provided only at the Open Forum. Please be sure to return the earphone and receiver set once the Forum is over.

## Lunches

Box lunch will be served in two locations on both days (12:30-14:00 on 1 August and 13:00-14:15 on 2 August). For speakers, panelists and other invited guests, lunch will be served at Conversation Lounge, 1F/B1F of Sanjo Conference Hall ( 山上会館 ). For other participants, lunch will be served at Rooms 21, 22 and 25 of Faculty of Law & Letters Bldg1 ( 法文 1 号館 ). Vegetarian menu is served for those who have requested it in advance.

## Reception

Welcome reception is scheduled for 18:30 to 19:30, Saturday, 1 August at Sanjo Conference Hall ( 山上会館 ). Be prepared for a crowded gathering. Those who are invited to the dinner hosted by the Ministry of Foreign Affairs are requested to stay at the Conversation Lounge on the 1st floor, and to be at the main entrance of Sanjo Conference Hall at 19:00, so that our staff may lead you to the bus which will take you to the venue of the dinner. The bus will depart in front of the Sanjo Conference Hall.

## Gala Dinner

Gala dinner will be held at Chinzan-so on Sunday, 2 August at 19:30. Those who attend the dinner (pre-registration necessary) are requested to take the buses in front of the Sanjo Conference Hall ( 山上会館 ) by 19:00. After the dinner, the buses will take the guests back to the hotels (Forest Hongo and Tokyo Garden Palace). If you are staying near the Hongo campus, you may be able to take the buses, depending on the seat availability. However, we would like you to understand that priority will be given to speakers, panelists and other invited guests. We are sorry that we cannot provide the bus service from Yasuda Auditorium to Tokyo Garden Palace on the evening of the 2 August.

## Internet

The LAN system of the University of Tokyo is closed to the public. However, Sanjo Conference Hall ( 山上会館 ) is a WiFi hotspot. If you have a computer equipped with a wireless LAN card, you can access the Internet anywhere in the building. Also, broadband connection is available at some nearby hotels (including Forest Hongo and Tokyo Garden Palace).

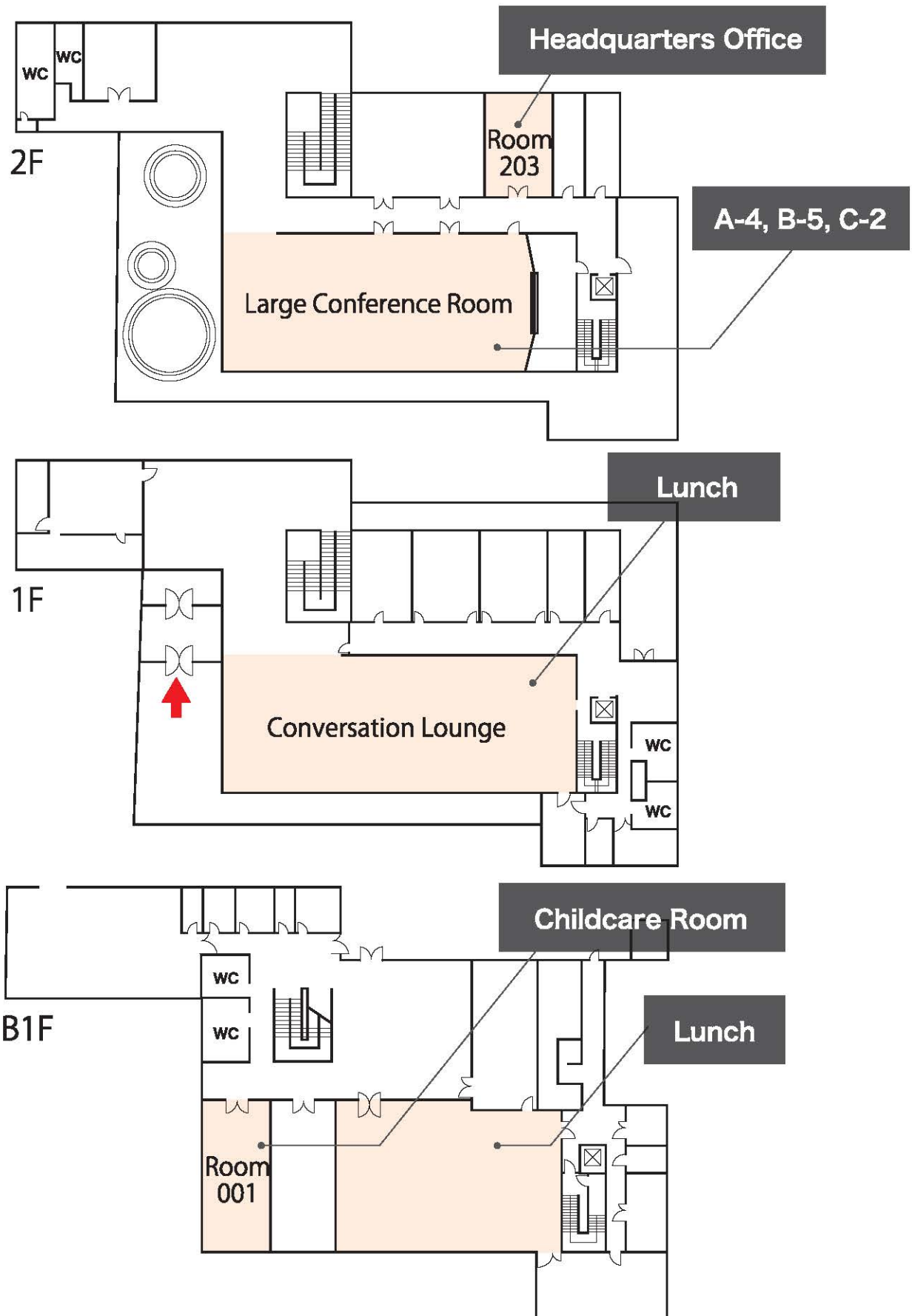
## Emergency

In case of emergency, please contact the Conference Headquarters located at Sanjo Conference Hall ( 山上会館 Room 203). Direct phone number is 03-5841-2333. We have designated some rooms at the Conference venue as first-aid areas. If you encounter any health problems, please feel free to contact our staff, who are wearing registration badges with red straps.



# Sanjo Conference Hall (山上会館)

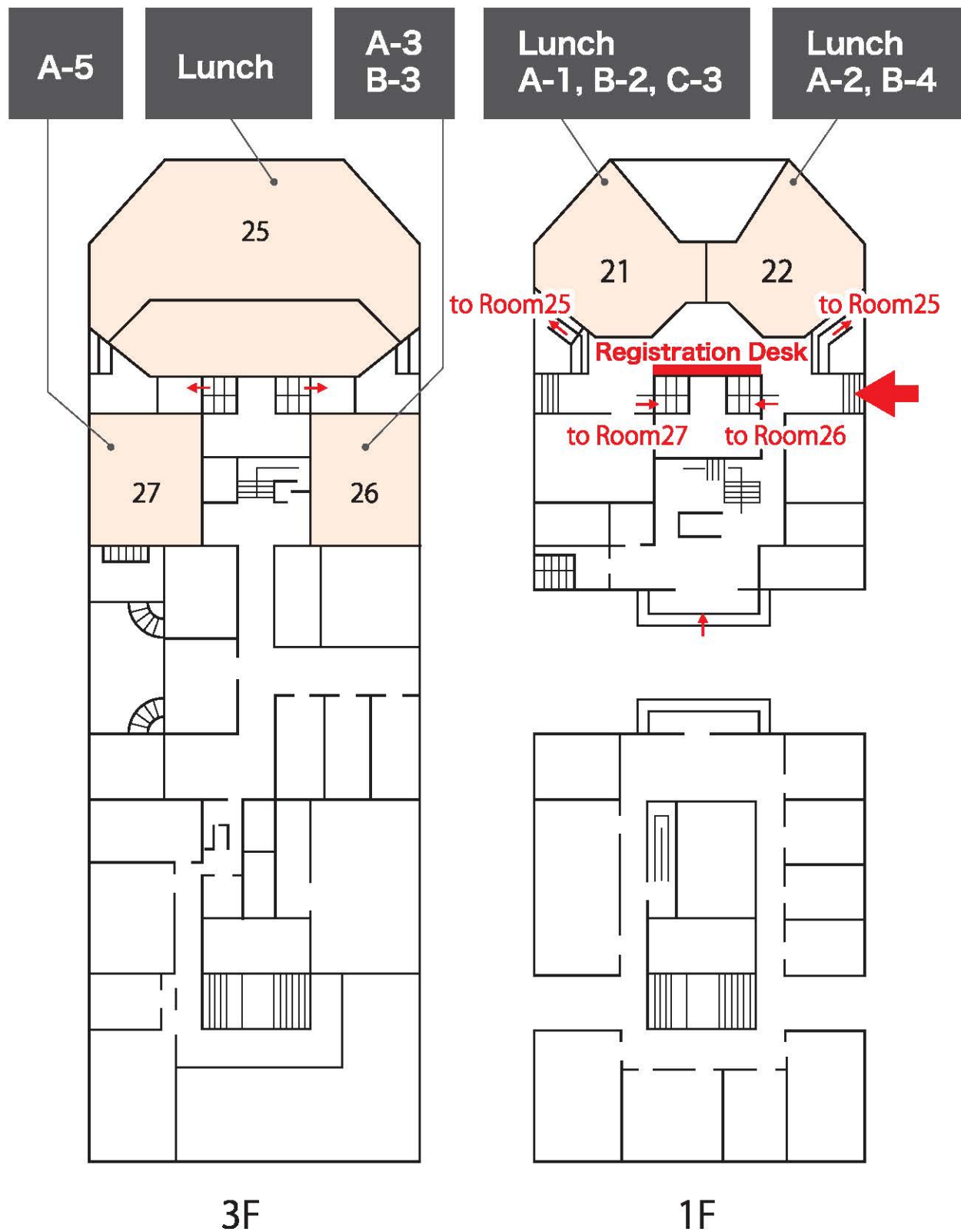
(B1F/1F/2F)



# Faculty of Law & Letters Bldg1 (法文1号館)

(1F/3F)

— Law Faculty Room 21/22/25/26/27 —





# Organizing Committee of the Tokyo Conference

## Co-Presidents :

**HAMADA Kunio** (Former Justice, Supreme Court of Japan)

**KOZAI Shigeru** (Former President, Japanese Society of International Law)

**OWADA Hisashi** (President, International Court of Justice)

## Vice President :

**ONUMA Yasuaki** (Professor, Meiji University)

## Secretary General :

**ARAKI Ichiro** (Professor, Yokohama National University)

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## Advisors :

HIRAYAMA Seigo (Former President, Japan Federation of Bar Associations), NAGASHIMA Yasuharu (Nagashima Ohno & Tsunematsu), NODA Aiko (Former President, Sapporo High Court), SAKURADA Yoshiaki (Professor Emeritus, Kyoto University), TORII Junko (Former President, Legislative Council of Japan), YANAI Shunji (Judge, International Tribunal for the Law of the Sea), YOKOTA Yozo (Professor, Chuo University)

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NAGASHIMA Yasuharu

# 本郷キャンパス Hongo Section

Chiyoda Line  
Nezu Sta.

Kototai-dori Ave.

Shinobazu-dori Ave.

Chiyoda Line  
Yushima Sta.

## 安田講堂 Yasuda Auditorium

- August 1, Sat  
Open Forum, Opening Ceremony, PL I
- August 2, Sun  
A-6, B-1, C-1, General Meeting, PL II,  
Closing Ceremony

## 山上会館 Sanjo Conference Hall

Conference Headquarters

- Lunch for Speakers, Panelists and  
other Invited Guests  
[Conversation Lounge, 1F/B1F]  
August 1, Sat 12:30-14:00  
August 2, Sun 13:00-14:15
- August 1, Sat : Reception  
18:30-19:30
- August 2, Sun [Large Conference Room]  
A-4, B-5, C-2

## 法文1号館 Faculty of Law & Letters Bldg 1

- Registration Desk [1st Floor]  
August 1, Sat 9:30-18:00  
August 2, Sun 9:30-13:00
- Lunch for General Participants  
[Law Faculty Room 21/22/25]  
August 1, Sat 12:30-14:00  
August 2, Sun 13:00-14:15
- August 2, Sun [Law Faculty Room]  
21: A-1, B-2, C-3  
22: A-2, B-4  
26: A-3, B-3  
27: A-5

Ikenohata Gate

University of Tokyo Hospital

Doutor Coffee Shop

LAWSON

SUBWAY

Sanshiro Pond

LAWSON

LAWSON

Tatsuoka Gate

Police Station

Kasuga-dori Ave.

Kasuga Gate

Sunkus

Nishikata Gate

Hongo-dori Ave.

Main Gate

Akamori (Red Gate)

Forest  
Hongo

Family  
Mart

Post Office

NATURAL  
LAWSON

Sunkus

Seven-Eleven

Oedo Line  
Hongo-Sanchome Sta.

Family  
Mart  
Mizuho  
Tokyo-Mitsubishi  
UFJ

Marunouchi Line  
Hongo-sanchome Sta.

[B] Bank [C] Convenience Store [M] mailbox [C] Cafe [B] Bus Stop [P] Pick-up Bus Stop