

Yuka FUKUNAGA

Professor

School of Social Sciences, Waseda University
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Education

- LL.D., Graduate Schools for Law and Politics, University of Tokyo (2013)
- LL.M., School of Law, University of California, Berkeley (2000)
- LL.M., Graduate Schools for Law and Politics, University of Tokyo (1999)
- LL.B., Faculty of Law, Hitotsubashi University (1997)

Professional Memberships

- Co-Secretary, Society of International Economic Law (SIEL)
- Editorial Board Member, Journal of International Economic Law (JIEL); JIEL Book Review Editor
- Board Member, Japan Association of International Economic Law (JAIEL); Chair, JAIEL International Exchange Committee
- Executive Council Member, Japan Chapter, Asian Society of International Law (AsianSIL)
- Member, Japanese Society of International Law (JSIL); JSIL Editorial Board Member
- Member, Japan Branch, International Law Association (ILA); Alternate Member, ILA Committee on Sustainable Development and the Green Economy in International Trade Law
- Member, American Society of International Law
- Member, European Society of International Law
- Member, Japan Association of Arbitrators (JAA)
- Co-Chair, Japan Chapter, Energy Related Arbitration Practitioners (ENERAP)
- Contributor, Investment Claims (Oxford University Press)

Professional Experience

- Professor, School of Social Sciences, Waseda University, 2011 – Present
 - Teaching public international law and international economic law
 - Associate Professor, 2006 – 2011
 - Assistant Professor, 2005 – 2006
- Visiting Fellow, Lauterpacht Centre for International Law, University of Cambridge; Visiting Fellow, Clare Hall, 2021 – 2022
- Government appointed assistant to Mr. Shinya Murase, International Law Commission (ILC), 2016
- Assistant Legal Counsel, Permanent Court of Arbitration (PCA), 2012 – 2013
- Visiting Fellow, Graduate Institute of International and Development Studies, 2011 – 2012
- Lecturer, capacity building seminars on the World Trade Organization (WTO) law for government officials from the Asia-Pacific Region, 2002-2010, 2014
- Visiting Professorial Fellow, Institute of International Economic Law, Georgetown University Law Center, 2002
- Intern, World Trade Organization (WTO) Appellate Body Secretariat, 2002

Grant and Award

- Waseda Research Award, 2018
- Fulbright Scholarship, 1999 – 2000

Select Publications (in English unless otherwise indicated)

- (co-authored with Pasha L. Hsieh) “Pacific Trade,” *in* Daniel Bethlehem, Donald McRae, Rodney Neufeld & Isabelle van Damme eds., *Oxford Handbook of International Trade Law* (Oxford University Press, 2nd edition, forthcoming in 2022)
- “Precedent in Investment Arbitration: Is an Institutionalized Investment Court More Desirable?,” *in* Chia-Jui Cheng ed., *A New Global Economic Order: New Challenges to International Trade Law*, pp.301–340 (Brill, 2022)
- “Are Digital Trade Disputes ‘Trade Disputes’?” *in* Shin-yi Peng, Ching-Fu Lin & Thomas Streinz eds., *Artificial Intelligence and International Economic Law: Disruption, Regulation, and Reconfiguration* (Cambridge University Press, 2021)
- “The Appellate Body’s Power to Interpret the WTO Agreements and WTO Members’ Power to Disagree with the Appellate Body,” *Journal of World Investment and Trade*, v.20, pp.793–820 (2019)
- “An Analysis of the Chevron Second Partial Award on Track II and the Eli Lilly Final Award: Can Investor-State Arbitration be a Remedy to Wartime Labor Suits in Korea?,” *Journal of the Japanese Institute of International Business Law* (Kokusai Shoji Homu), v.47, n.6, pp.691–699 (2019); v.47, n.7, pp.819–829 (2019) [*Japanese*]
- “Margin of Appreciation as an Indicator of Judicial Deference: Is It Applicable to Investment Arbitration?,” *Journal of International Dispute Settlement*, v.10, pp.69–87 (2019)
- “TPP Agreement Commentary: Labour Chapter, Investment Chapter, TBT Chapter, SPS Chapter,” *Journal of Trade and Tariffs*, April 2017, pp.74–99 (2017); May 2017, pp.38–56 (2017); September 2018, pp.56–66 (2018) [*Japanese*]
- “Abuse of Process under International Law and Investment Arbitration,” *ICSID Review – Foreign Investment Law Journal*, v.33, pp.181–211 (2018)
- “International Law-Making in International Economic Law: Possibility of Law-Making by the International Law Commission,” *The Horitsu Jiho*, September 2017, pp.52–57 (2017) [*Japanese*]
- “Infrastructure Investment in Asia and Protection under International Investment Agreements,” *Chinese (Taiwan) Yearbook of International Law and Affairs*, v.33, pp.109–138 (2017)
- “A Managerial Approach to Secure Compliance with the SPS Agreement,” *in* Julien Chaisse & Tsai-yu Lin eds., *International Economic Law and Governance: Essays in Honour of Mitsuo Matsushita*, pp.534–550 (Oxford University Press, 2016)
- “Japan – EU Economic Partnership Agreement Negotiations,” *Japanese Journal of European Studies*, v.3, pp.44–57 (2015)
- “Securing Compliance with International Economic Agreements and Dispute Settlement: Achievements and Limits of the WTO Dispute Settlement System and the Investment Arbitration System,” (Yuhikaku, 2013) [*Japanese*]
- “Experts in WTO and Investment Litigation,” *in* Jorge A Huerta-Goldman, Antoine Romanetti & Franz X Stirnimann eds., *WTO Litigation, Investment Arbitration, and Commercial Arbitration*, pp.135–167 (Kluwer Law International, 2013)
- “Transparency and the Role of Domestic Process,” Junji Nakagawa ed., *Transparency in International Trade and Investment Dispute Settlement*, pp.30–48 (Routledge, 2013)
- “Standard of Review and ‘Scientific Truths’ in the WTO Dispute Settlement System and Investment Arbitration,” *Journal of International Dispute Settlement*, v.3, pp.559–576 (2012)
- “Functions of WTO Panels as a Trier of Facts: Burden of Proof and Standard of Review,” *International Economic Law Series*, v.1, pp.163–178 (Horitsu Bunka Sha, 2012) [*Japanese*]
- “Global Economic Institutions and the Autonomy of Development Policy: A Pluralist Approach,” *in* Meredith Kolsky Lewis & Susy Frankel eds., *International Economic Law and National Autonomy*, pp.22–43 (Cambridge University Press, 2010)

Select Speeches (in English unless otherwise indicated)

- Panelist, Conference on the Future of Investment Treaties, Organisation for Economic Cooperation and Development (OECD), March 2021
- “Judicial Review of National Security Exceptions under International Trade and Investment Law,” Lancaster University CILHR Seminar Series, January 2020
- “Japan’s Trade and Investment Policy and the Japan-EU Economic Partnership Agreement,” Conférence: Le nouveau partenariat UE-Japon: quelles perspectives? (institut français des relations internationales (ifri)), December 2019
- “The Future of WTO Dispute Settlement and Investor-State Arbitration: Possibility of Cross-Fertilization,” International Conference on A Changing International Economic Order and the Response from International Law, September 2019
- “Precedent in Investment Arbitration: Comparison with Institutionalized International Courts and Tribunals,” Athens Workshop of the European Society of International Law (ESIL) Interest Group on International Economic Law, September 2019
- “Comparative Analysis of Interpretative Methods in WTO Dispute Settlement and Investment Arbitration,” Asian WTO Research Network (AWRN) & China International Business and Economic Law (CIBEL) Joint Conference, August 2018
- “The Appellate Body’s Power to Interpret the WTO Agreement and WTO Members’ Power to Disagree with the Appellate Body,” Society of International Economic Law (SIEL) Biennial Conference, July 2018
- “International Arbitration and Japan,” American Society of International Law (ASIL) Annual Meeting, April 2018
- “Margin of Appreciation and Judicial Deference in Investment Arbitration,” American Society of International Law (ASIL) Research Forum, October 2017
- “Tobacco Regulations and Investment Arbitration,” Invited Lecture at the National Taipei University, May 2017
- “Abuse of Process under International Law and Investment Arbitration,” American Society of International Law (ASIL) & Missouri University Works in Progress Conference, February 2017
- “Allocation of Interpretative Power in WTO Dispute Settlement,” Forum for the Asian WTO Moot Court Steering Committee, January 2017
- “Precedent in Investment Arbitration,” American Society of International Law (ASIL) Research Forum, November 2016
- “Philip Morris Asia v. Australia and Procedural Issues of the PCA/UNCITRAL Investment Arbitration,” Asian Society of International Law (AsianSIL) Japan Chapter Semi-annual Conference, October 2016
- “Applicable Rules of International Law in Investor-State Arbitration,” Canadian Council on International Law (CCIL) 44th Annual Conference: International Law: Coherence or Chaos?, November 2015
- “Domestic Law as such and Domestic Law as applied,” Madrid Arbitration Day II (ICADE and Club Español de Arbitraje (Under Forty)), May 2015

Bar Qualification

- New York, admitted in 2001

Languages

- Japanese (native)
- English (proficient)
- French (good)
- Spanish (basic)