

Yota Negishi

Conventionality Control of Domestic Law

Constitutionalised International Adjudication and
Internationalised Constitutional Adjudication



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For Righteousness, Happiness, Grace and Manna

Acknowledgement

The very first book for me is the crystal of encounters with persons in different times and spaces. My academic career started at the School of Law, Waseda University, Tokyo, Japan. I had dived into the world of international law through moot court competitions such as Japan/Asia Cup in Tokyo and Jessup Cup in Washington DC. Having got caught up in the appealing power of international law, I then joined the seminar held by Professor Shuichi Furuya. For more than ten years from Bachelor (2007–2011) through Master (2011–2013) to Doctoral (2013–2017) courses (and even now), his extraordinary skills and tenderness have shaped my personality as a researcher. Professor Hiroyuki Banzai is another mentor during the Master course, whose training programmes have stylised my attitude in accordance with the academic standard in the field. In their seminars, I was greatly helped by my senior colleagues, especially, Makoto Minakawa, Shinya Tazunoki, Makoto Seta, and Kenta Hiramami, all of whom kindly gave precious advice for not only public matters but also private lives. I am especially grateful to Toshiki Mogami, professor of international law at the School of Political Science and Economics. It is no exaggeration to say that his professionalism has influenced my academic life entirely. He also wrote a recommendation letter for a research environment abroad. Without his gracious supports, my research would have lacked sensibility and rigorosity.

The second stage of my research life was at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany. It has been my fortunes to meet splendid academic staffs and guest researchers there. My stay in the Institute was facilitated by Director Professor Anne Peters, for whom my thankfulness is beyond description. Her careful attention to every member of the Institute including me has been the model to follow in my professional tasks. I deeply thank Peter's research team members, particularly, Milan Tahraoui, Raffaella Kunz, Christos Kypraios, and Yueyao Zhang, to whom I am indebted for many things. The interaction with members of the *Ius Constitutionale Commune en América Latina* project in the Institute was essential for expanding and deepening my research. Mariela Morales Antoniazzi, project coordinator of *Ius Constitutionale Commune en América Latina*, deserves to receive my distinguished appreciation for her lovely generosity. I also appreciate

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All these experiences enabled me to elaborate and publish the essential parts of this book in distinguished journals and books including *European Journal of International Law*. My Ph.D. thesis itself was also highly evaluated and granted 2016 VASEDA VNIVERSITAS PALMA IN MEMORIAM AZVSAONO and 6th Ikushi Prize by the JSPS with the Endowment from Emperor Akihito. I could finalise the edition of this book in the third and current location in my research life, Seinan Gakuin University, Fukuoka, Japan. The research environment supported by library and office staffs at the university is comfortable, in which it has been easily possible to update the relevant case-laws and teachings (until December 2020). For the English language review, the author would also like to thank Enago (www.enago.jp). I hope this book contributes to the world of public law.

I conclude with personal debts. My parents Masami (Righteousness) and Sachiko (Happiness), my grandmother Yoshiko, and my sister Megumi, are always lovely and generous to my decisions. It is also literally graceful that I was led by the invisible hands to Fukuoka to meet my wife Megumi

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Abbreviation

American Convention on Human Rights (ACHR)
Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA)
Andean Tribunal of Justice (ATJ)
Charter of Fundamental Rights of the European Union (CFREU)
Committee of Ministries (CoM)
Council of Europe (CoE)
Court of Justice of the European Union (CJEU)
Deutsche Bundesverfassungsgericht (BVerfG)
Economic Community of West African States (ECOWAS)
European Convention on Human Rights (ECHR)
European Court of Human Rights (ECtHR)
European Social Charter (ESC)
European Union (EU)
Human Rights Committee (HRC)
Inter-American Commission on Human Rights (IACHR)
Inter-American Court of Human Rights (IACtHR)
International Court of Justice (ICJ)
International Criminal Court (ICC)
International Covenant on Civil and Political Rights (ICCPR)
International Covenant on Economic, Social and Cultural Rights (ICESCR)
International Law Association (ILA)
International Law Commission (ILC)
International Labour Organisation (ILO)
Organisation of American States (OAS)
Permanent Court of International Justice (PCIJ)
Southern African Development Community (SADC)
Treaty on European Union (TEU)
Treaty on the Functioning of the European Union (TFEU)
United Nations (UN)
Vienna Convention on the Law of Treaties (VCLT)

