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SHORT BIOGRAPHY

Kei Nakajima is an associate professor of public international law at the University of Tokyo, the Institute of Social Science. He is formerly an associate legal officer at the International Court of Justice in The Hague. He received an LL.M. and Ph.D. from the University of Tokyo for his study on evidence and fact-finding before international courts and tribunals and a second Ph.D. from the Graduate Institute of International and Development Studies in Geneva for his work on the international law of sovereign debt dispute settlement.

AREAS OF EXPERTISE

- Public international law (*international dispute settlement; international legal theory*)
- Law and practice of international courts and tribunals (*jurisdiction and admissibility; incidental proceedings; evidence and fact-finding; litigation strategy; maritime and land boundary delimitation*)
- Trade and investment law (*investment treaty law and arbitration; dispute settlement through the WTO and regional trade agreements*)
- Sovereign debt and financial transactions (*sovereign default and debt restructuring; public financing and contracts; bank rescues; transnational litigation and arbitration*)

PROFESSIONAL EXPERIENCE

Apr 2020 – present **University of Tokyo, Institute of Social Science** (Tokyo)

Associate Professor of International Law

Jan 2017 – Mar 2020 **International Court of Justice** (The Hague)

Associate Legal Officer (Law clerk / référendaire)

- Law clerk for H.E. Judge **Hisashi Owada**, H.E. Judge **Yuji Iwasawa**, H.E. Judge *ad hoc* **Jean-Pierre Cot** and H.E. Judge *ad hoc* **Navanethem Pillay**
- Involved in the following cases: **Somalia v. Kenya** on maritime delimitation in the Indian Ocean (preliminary objections; merits); **Ukraine v. Russia** concerning two international conventions (provisional measures; preliminary objections); **India v. Pakistan** on the Jadhav case (provisional measures; merits); **Nicaragua v. Colombia** on alleged violations of sovereign rights (admissibility of counterclaims); **Costa Rica v. Nicaragua** on land and maritime boundary delimitations (merits); **Costa Rica v. Nicaragua** on certain activities in the border area (compensation); **Equatorial Guinea v. France** on certain criminal proceedings (preliminary objections; merits); **Qatar v. UAE** concerning the racial discrimination convention (provisional measures requested by Qatar and by UAE); **Iran v. United States** on the alleged violations of the treaty of

amity (provisional measures); *Iran v. United States* on certain Iranian assets (preliminary objections); Advisory proceedings on the *Chagos Archipelago*; Armed activities on the territory of the Congo (*DRC v. Uganda*) (compensation); Two appeals relating to the *jurisdiction of the ICAO Council* brought by Gulf countries against Qatar; Application of the Genocide Convention (*Gambia v. Myanmar*) (provisional measures); *Guyana v. Venezuela* on the validity of the arbitral award delimiting boundary between the countries (jurisdiction)

Sept 2015 – Jan 2017 **Kobe University Graduate School of Law** (Kobe, Japan)

Research Fellow

Apr 2008 – Sept 2013 **University of Tokyo** (Tokyo)

Doctoral and Post-doctoral Research Fellow

- Fellowship funded by Japan Society for the Promotion of Science

Apr 2006 – Mar 2011 **University of Tokyo** (Tokyo)

Teaching Assistant

EDUCATION AND ACADEMIC DEGREES

Sept 2013 – Oct 2019 **Graduate Institute of International and Development Studies** (Geneva)

Ph.D. in International Law

- Thesis: “The International Law of Sovereign Debt Dispute Settlement” 418 pp.
- Received the Graduate Institute’s scholarship (2013-15); Prunier Foundation scholarship (2015-16)

Apr 2008 – Mar 2011 **University of Tokyo** (Tokyo)

Doctor of Laws (Ph.D.) (obtained in February 2013)

- Thesis: “Evolution in Evidence and Fact-Finding before International Courts and Tribunals: Theory and Practice” 290 pp.

Apr 2006 – Mar 2008 **University of Tokyo** (Tokyo)

Master of Laws (LL.M.)

- Dissertation: “A Prolegomena to the Theory of Evidence before International Courts and Tribunals”, 184 pp.
- Received Mineichiro Adachi Scholarship (2007-08)

Apr 2002 – Mar 2006 **Waseda University** (Tokyo)

B.A. in Law

- Joined Philip C. Jessup international law moot court competition, Shearman & Sterling international rounds, Washington D.C. (March 2004) as an oralist

MEMBERSHIPS

- American Society of International Law
- European Society of International Law
- International Law Association (Japan Branch)
 - Member, Committee on Alternative Dispute Resolution in International Law (2023-)
- Japanese Society of International Law

LANGUAGES

- English (full professional proficiency)
- French (professional working proficiency)
- Japanese (mother tongue)

PUBLICATIONS

Monographs

2. Kei Nakajima, *The International Law of Sovereign Debt Dispute Settlement* (Cambridge Studies in International and Comparative Law 171, Cambridge University Press, 2022), 349pp+xxx [\[DOI\]](#).
1. Kei Nakajima, *Evidence before International Courts and Tribunals* (Shinzansha Publications, Ltd., 2016), 420 pp. [in Japanese] [\[Link\]](#).
 - Book Review by Yoshiyuki Lee, *Journal of International Law and Diplomacy*, Vol. 115, No. 4 (2017), pp. 509-514 [in Japanese]; *Japanese Yearbook of International Law*, Vol. 60 (2017), pp. 416-420.
 - Awarded the 50th Mineichiro Adachi Medal (Mineichiro Adachi Memorial Foundation, 31 October 2017).

Journal Articles & Book Chapters

15. Kei Nakajima, Yohei Okada and Kento Nisugi, "The sovereign function test out of thin air? The status of the central bank determined behind the scenes in Certain Iranian Assets", *Journal of International Dispute Settlement* (2024) advance version [\[DOI\]](#).
14. Kei Nakajima, "The Establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine", *Tokyo Review of International Law*, No. 13 (2024), pp. 101-117 [in Japanese] [\[Link\]](#).
13. Kei Nakajima, "Management, Sanction and Rewarding Models for the Compliance with International Health Law", Susumu Cato *et al.* (eds.), *Pandemics and Social Science: Insights from Post-Covid Japan* (Keiso Shobo, 2024), pp. 187-201 [in Japanese] [\[Link\]](#).
12. Kei Nakajima, "Fact-Finding by Trade-off: Questions of Evidence and Its Interactions with Valuation in Compensation Cases before the International Court of Justice", *Max Planck Yearbook of United Nations Law*, Vol. 26 (2023), pp. 428-452 [\[DOI\]](#).
11. Kei Nakajima, "Strategic Litigation before the International Court of Justice: Ukraine's Lawfare against the Russian Invasion", *Tokyo Review of International Law*, No. 11 (2023), pp. 107-136 [in Japanese] [\[Link\]](#).
10. Kei Nakajima, "COVID-19 and the Debt Service Suspension Initiative", *Tokyo Review of International Law*, No. 10 (2022), 155-171 [in Japanese] [\[Link\]](#).
9. Kei Nakajima, "COVID-19, Proportionality and Balancing in International Legal Discourse", *Journal of Social Science*, Vol. 72, No. 1 (2021), pp. 5-27 [in Japanese] [\[Link\]](#).
8. Kei Nakajima, « Faut-il établir l'existence d'un autre différend pour que des demandes reconventionnelles soient déclarées recevables ? Une étude complémentaire sur la notion de différend devant la Cour internationale de Justice », *Revue belge de droit international*, tome 58 (2020), pp. 268-286 [\[HeinOnline\]](#).
7. Kei Nakajima, "Beyond *Abaclat*: Mass Claims in Investment Treaty Arbitration and Regulatory Governance for Sovereign Debt Restructuring", *Journal of World Investment & Trade*, Vol. 19, No. 2 (2018), pp. 208-247 [\[DOI\]](#).
6. Kei Nakajima, "Traditional and Modern Designs for International Law of Sovereign Debt

- Restructuring: A Way Forward”, in Holly Cullen, Joanna Harrington and Catherine Renshaw (eds.), *Experts, Networks, and International Law* (Cambridge University Press, 2017), pp. 230-256 [\[DOI\]](#).
5. Kei Nakajima, “Parallel Universes of Investment Protection? A Divergent Finding on the Definition of Investment in the ICSID Arbitration on Greek Sovereign Debts”, *Law and Practice of International Courts and Tribunals*, Vol. 15, No. 3 (2017), pp. 471-489 [\[DOI\]](#).
 4. Kei Nakajima, “An Elusive Safeguard with Loopholes: Sovereign Debt and its ‘Negotiated Restructuring’ in International Investment agreements in the Age of Global Financial Crisis”, *International Review of Law*, No. 2016-3 (2016), 20 pp [\[Link\]](#); republished in *Transnational Dispute Management*, No. 2018-1 (2018) [\[Link\]](#).
 3. Kei Nakajima, “Evidence in Investment Treaty Arbitration: A Challenge for Public Law Paradigm of International Investment Law”, *Tokyo Review of International Law*, No. 2 (2014), pp. 69-105 [in Japanese] [\[Link\]](#).
 2. Kei Nakajima, “The Rationales of Presumption and Inference before International Courts and Tribunals”, *Journal of International Law and Diplomacy*, Vol. 108, No. 3 (2009), pp. 61-90 [in Japanese] [\[Link\]](#).
 1. Kei Nakajima, “Theory of Fact-finding before International Courts and Tribunals: With Special Reference to Burden of Proof”, *Journal of the Association of Political and Social Science*, Vol. 121, Nos. 7 & 8 (2008), pp. 749-814 [in Japanese] [\[Link\]](#).

Shorter articles and Working Papers

4. Kei Nakajima, “Russian Sovereign Defaults after the Invasion against Ukraine”, The 21st Century Public Policy Institute, *Geopolitical Risks and Japanese Companies* (2024), pp. 57-68 [in Japanese] [\[Link\]](#).
3. Kei Nakajima, “Making, Interpretation and Application of the Rules of International Finance Law in a Post-Pandemic Future”, The 21st Century Public Policy Institute, *The Problems of International Economic Law in a Post-Pandemic Era* (2022), pp. 77-89 [in Japanese] [\[Link\]](#).
2. Kei Nakajima, “Historic Rights and the Status of Insular Features in the South China Sea Arbitration”, Japan Institute of International Affairs, *The Rule of Law and Maritime Security in the Indian and Pacific Oceans* (Japan Institute of International Affairs, 2017), pp. 67-82 [in Japanese] [\[Link\]](#).
1. Kei Nakajima, with Isabel Lamers and Pauline Mcharo, “Tax Base Erosion and Profit Shifting (BEPS) and International Economic Law”, *Centre for Trade and Economic Integration (CTEI) Working Papers*, no. 2013-2 (The Graduate Institute Geneva, 2013), 82 pp [\[Link\]](#).

Case Notes

7. Kei Nakajima, “*Gramercy v Peru*: Vintage Sovereign Land Bonds Protected by a New-Generation International Investment Agreement”, *ICSID Review - Foreign Investment Law Journal*, Vol. 38, No. 3 (2023), pp. 547-554 [\[DOI\]](#).
6. Kei Nakajima, “Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v. United Arab Emirates*)”, *Journal of International Law and Diplomacy*, Vol. 121, No. 2 (2022), pp. 75-93 [in Japanese].
5. Kei Nakajima, “The Classification of Preliminary Objections in the *Nicaragua* Case”, Koichi Morikawa *et al.* (eds.), *The 100 Cases on Public International Law* (3rd ed.) (Yuhikaku, 2021), pp. 190-191 [in Japanese] [\[Link\]](#).
4. Kei Nakajima, “Two Appeals Relating to the Jurisdiction of the ICAO Council”, *Journal of International Law and Diplomacy*, Vol. 119, No. 4 (2021), pp. 82-97 [in Japanese].

3. Kei Nakajima, "Interpretation of *dispositif* and the Principle of *res judicata* in *Nicaragua v. Colombia II*", *Tokyo Review of International Law*, No. 5 (2017), pp. 215-236 [in Japanese] [[Link](#)].
2. Kei Nakajima, *European Communities—Customs Classification of Frozen Boneless Chicken Cuts*, WT/DS269/AB/R, WT/DS286/AB/R, Appellate Body Report (adopted 27 September 2005), *Oxford Reports on International Law* (ITL 100, 2016) [[Link](#)].
1. Kei Nakajima, *Korea—Definitive Safeguard Measure on Imports of Certain Dairy Products*, WT/DS98/AB/R, Appellate Body Report (adopted 12 January 2000), *Oxford Reports on International Law* (ITL 064, 2015) [[Link](#)].

Book Review and Miscellaneous

8. Kei Nakajima, "And the Azerbaijan-Armenia Lawfare Expanded: The Arbitration brought by Azerbaijan under the Bern Convention", *Völkerrechtsblog* (30 January 2023) [[Link](#)].
7. Kei Nakajima, "Sovereign defaults during and after the Russian invasion of Ukraine", Cambridge University Press Blog Fifteen Eighty Four (25 October 2022) [[Link](#)].
6. Kei Nakajima, "Russia's Invasion of Ukraine and the International Lawfare", *The Keidanren Weekly Times*, No. 3551 (7 July 2022) [in Japanese] [[Link](#)].
5. Kei Nakajima, "International Law and the Global South: An Introduction", *Journal of Social Science*, Vol. 73, No. 2 (2022), pp. 1-3 [in Japanese] [[Link](#)].
4. Kei Nakajima, "Mass Claims", in Jus Mundi - Wiki Notes (June 2020) [[Link](#)].
3. Kei Nakajima, "The South China Sea Arbitration", *JSIL Expert Comments*, No. 2016-6 (2016) [in Japanese] [[Link](#)].
2. Kei Nakajima, "The International Court of Justice: Present and Future", University of Tokyo, Institute of Business Law and Comparative Law & Politics, *IBC April 2011 – March 2012* (2012), pp. 13-14 [Report on the Comparative Law and Politics Seminar. Speaker: Judge Hisashi Owada] [[Link](#)].
1. Kei Nakajima, "Gérard Niyungeko, *La preuve devant les juridictions internationales*, Édition Bruylant, 2005, xx+480pp", *Journal of the Association of Political and Social Science*, Vol. 122, Nos. 5/6 (2009), pp. 840-847 [Book Review in Japanese].

SELECTED SPEAKING ENGAGEMENTS

28. Kei Nakajima, "Deference as Appeasement or: An Avoidance Technique in International Adjudication", Study group on the coordination among global, national and local laws, University of Tokyo, Institute of Social Science, 10 February 2024 [in Japanese].
27. Kei Nakajima, "Judicial and Arbitral Settlement of Law of the Sea Disputes", Japan International Cooperation Agency (JICA) Tokyo Center, Tokyo, 9 February 2024.
26. Kei Nakajima, "The Establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine", The 21st Century Public Policy Institute, Online Seminar, 30 August 2023 [in Japanese].
25. Kei Nakajima, "Russia's Invasion of Ukraine and Sovereign Defaults", The 21st Century Public Policy Institute, Online Seminar, 29 September 2022 [in Japanese].
24. Kei Nakajima, "Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v. United Arab Emirates*)", Study Group on the Jurisprudence of the International Court of Justice, Online Seminar, 13 May 2022 [in Japanese].
23. Kei Nakajima, "The Hearings of the International Court of Justice during the COVID-19 Pandemic", Asian Society of International Law Japan Chapter Online Meeting, 20 November 2021 [in Japanese].

22. Kei Nakajima, "Sovereign Debt Dispute Settlement and International Law", Japanese Society of International Law Annual Meeting, Online Conference, 8 September 2021 [in Japanese].
21. Kei Nakajima, "Sovereign Indebtedness and the Covid-19 Pandemic", The 21st Century Public Policy Institute, Online Seminar, 29 July 2021 [in Japanese].
20. Kei Nakajima, "The *raison d'être* of the Plausibility Requirement in the Jurisprudence of the International Court of Justice on Provisional Measures", University of Tokyo International Law Colloquium, online seminar, 15 March 2021 [in Japanese].
19. Kei Nakajima, "International Financial Architecture in the Post-Covid Era", The 21st Century Public Policy Institute, Online Seminar, 7 December 2020 [in Japanese].
18. Kei Nakajima, "Two Appeals Relating to the Jurisdiction of the ICAO Council", Study Group on the Jurisprudence of the International Court of Justice, Online Seminar, 22 September 2020 [in Japanese].
17. Kei Nakajima, "International Law Practice in International Organizations", Japan Bar Association, Online Seminar on Career of International Lawyers, 12 September 2020 [in Japanese].
16. Kei Nakajima, "COVID-19 and International Law", University of Tokyo, Institute of Social Science Online Seminar, 30 June 2020 [in Japanese].
15. Kei Nakajima, "Law and Practice of the International Court of Justice", Japan Bar Association, Seminar on the Practice of Public International Law, Bar Association Building, Tokyo, 26 December 2018 [in Japanese].
14. Kei Nakajima, "Existence and Identification of Disputes", The ICJ as the Main Judicial Organ of the UN: Recent Developments, Utrecht Centre for International Legal Studies, Utrecht University, Utrecht, The Netherlands, 9 March 2018.
13. Kei Nakajima, "Summary and Comments", Book Review Seminar on Evidence before International Courts and Tribunals, Kobe University, Kobe, Japan, 4 November 2016 [in Japanese].
12. Kei Nakajima, "Historic Rights and the Status of Maritime Features in South China Sea Arbitration", Japan Institute of International Affairs, Tokyo, Japan, 7 October 2016 [in Japanese].
11. Kei Nakajima, "Mass Claims before Investment Treaty Arbitration between Creditor Protection and Regulatory Governance", Japanese Society of International Law Annual Meeting, Convention & Arts Center "Granship", Shizuoka, Japan, 9-11 September 2016 [in Japanese].
10. Kei Nakajima, "South China Sea Arbitration between the Philippines and China", Japan Institute of International Affairs, Tokyo, Japan, 25 July 2016 [in Japanese].
9. Kei Nakajima, "Interpretation of *dispositif* and the Principle of *res judicata* in *Nicaragua v. Colombia II*", Kyoto University International Law Seminar, Kyoto, Japan, 18 June 2016 [in Japanese].
8. Kei Nakajima, "Sovereign Financing between Development and Crisis: Revisiting Sovereign Debt before Investment Treaty Arbitration", Kobe Seminar on International Economic Law 2016. Legal Issues arising from State Capitalism: New Trend in International Economic Law, Kobe University, Kobe, Japan, 7 June 2016.
7. Kei Nakajima, "Parallel Universes of Investment Protection? A Divergent Finding on the Definition of 'Investment' in the ICSID Arbitration on Sovereign Debts", 5th Conference of the Postgraduate and Early Professionals/Academics Network of the Society of International Economic Law (PEPA/SIEL), University of Luxembourg, Luxembourg, 14-15 April 2016.
6. Kei Nakajima, "A Successful Reconstruction of a Dispute? Understanding the Jurisdictional Findings of the South China Sea Arbitration", Ho Chi Minh City University of Law Seminar on International Law, Ho Chi Minh City, Viet Nam, 28 March 2016.

5. Kei Nakajima, "An Elusive Safeguard with Loopholes: Sovereign Debt and its 'Negotiated Restructuring' in the TPP Agreement and Beyond", 2nd Kobe Seminar on International Investment Law 2016. Asian Challenges to International Investment Law: Viewing from Internal and Comparative Perspectives, Kobe University, Kobe, Japan, 29 January 2016.
4. Kei Nakajima, "Traditional and Modern Designs for International Law of Sovereign Debt Restructuring: Towards Sovereign Insolvency Law in the Decentralized Legal Order", *Experts, Networks and International Law*, 5th International Four Societies Conference (ANZSIL/ASIL/CCIL/JSIL), Australian National University, Canberra, Australia, 1-2 July 2014.
3. Kei Nakajima, "The Philippines v. China Arbitration on the South China Sea", Study group on Allegations Made by Neighbor Countries towards Japanese Territory and Public Opinion, Japan Institute of International Affairs, Tokyo, Japan, 21 August 2013 [in Japanese].
2. Kei Nakajima, "Japan's Position on the Territorial Sovereignty over Takeshima Island", Study group on Allegations Made by Neighbor Countries towards Japanese Territory and Public Opinion, Japan Institute of International Affairs, Tokyo, Japan, 9 August 2013 [in Japanese].
1. Kei Nakajima, "An Analytical Framework for Evidence before International Courts and Tribunals", University of Tokyo International Law Colloquium, Tokyo, Japan, 6 July 2013 [in Japanese].

SCHOLARSHIPS AND GRANTS

17. [Japan Society of Law and Institutions](#), Japan, Finance Law Research Grant (2024).
 - Study with Shiho Kato on the governing law of unlawfully issued sovereign debt
16. [Japan Society for the Promotion of Science](#), Grant-in-Aid 22K01173 (2022-2025).
 - Study on the jurisdiction of international tribunals over the so-called incidental issues
15. Japan Society for the Promotion of Science, Grant-in-Aid 20K22048 (2020-2022).
 - Study on sovereign debt dispute settlement
14. [The Murata Science Foundation](#), Japan, Research Grant (2020).
 - Study on the incidental jurisdiction of international tribunals
13. Japan Society of Law and Institutions, Japan, Finance Law Research Grant (2020).
 - Study on collective action clauses in Eurozone sovereign bonds
12. The Murata Science Foundation, Japan, Research Grant (2016).
 - Study on mass claims in investment treaty arbitration
11. Japan Society for the Promotion of Science, Grant-in-Aid 16K16995 (2016-2017).
 - Study on sovereign debt restructuring
10. Japan Society of Law and Institutions, Japan, Finance Law Research Grant (2016).
 - Study on the coverage of sovereign bonds in international investment agreements
9. Yamada Science Foundation, Japan, Research Grant (2016).
 - Study on the definition of investment in investor-State arbitration
8. [Prunier Foundation](#), Geneva, Scholarship (2015-2016).
7. The Murata Science Foundation, Japan, Financial Aid for Travel Abroad (2014).
6. [Graduate Institute of International and Development Studies](#), Geneva, Scholarship (2013-2015).
5. [Suenobu Foundation](#), Japan, Scholarship (2013).
4. Japan Society for the Promotion of Science, Grant-in-Aid (2011-2013).
 - Study on evidence before international courts and tribunals
3. [Konosuke Matsushita Memorial Foundation](#), Japan, Research Grant (2011-2012).

- Study on evidence in investment treaty arbitration
2. Japan Society for the Promotion of Science, Grant-in-Aid (2008-2011).
 - Study on evidence before international courts and tribunals
 1. [Mineichiro Adachi Memorial Foundation](#), Japan, Scholarship Student (2007-2008).

MISCELLANEOUS CONSULTING AND OTHER PROFESSIONAL ACTIVITIES

Kei Nakajima has engaged in consulting, training and professional activities for various organs and institutions, such as: [Japan Institute for International Affairs](#); [The 21st Century Public Policy Institute](#); [Mitsubishi UFJ Research & Consulting Co., Ltd.](#), [Japan Oil, Gas and Metals National Corporation \(JOGMEC\)](#); Ministry of Foreign Affairs of Japan; Supreme Court of Japan; [Office of the High Commissioner for Human Rights](#) (legal internship at the Human Rights Committee of the International Covenant on Civil and Political Rights in its 110th session, Geneva, March 2014).