

# SYMPOSIUM: BUSINESS RESPONSIBILITY UNDER THE LAW-JAPAN AND CANADA

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The Niigata Faculty of Law, under joint auspices with the Law and Political Science Association, held on September 3, 1999 an international symposium entitled "Business Responsibility under the Law - Japan and Canada". This symposium is a part of our Japan-Canada academic exchange project which is run in cooperation with our three sister-law-faculties in Canada (those of the University of Alberta, the Queen's University and the University of British Columbia) and by grace of a financial aid by the Government of Canada under the CSDP (Canadian Studies Program Development Grants).

The CSDP project has started in 1996 as a four consecutive year project for 1996-1999. Each year's project is carried out under a specific subject-matter and is composed of an intensive lecture series and an international symposium.

The subject-matter for the project 1999 was: "Business Responsibility under the Law - Japan and Canada". Under this subject, we attempted to mutually understand the situations in each country concerning the legal frameworks surrounding business responsibilities. Since companies have now huge influences and impacts on the economic life of the nation, the business responsibilities of corporations inevitably expand both in scope and depth. Such business responsibilities involve, for example, the responsibility to compensate for damages incurred to trade partners through misconduct, the responsibility for damages of third parties by environmental pollution through industrial activities,

responsibility for any restraint of trade within society and the responsibility of individual directors to compensate for damages which they caused to their companies. Both in Canada and Japan, it is commonly understood that such responsibilities should be allocated and imposed properly on the basis of justice and fairness. However, reflecting the difference in legal systems, their concrete approaches differ. So it seems really important to attain mutual understanding on this matter in this time of globalization of economic activities.

This year, two Canadian scholars were invited as lecturer /presenter in the project. In the above-mentioned symposium, the two Canadians and another two Japanese scholars made presentations as follows:

- (1) "Environmental Harm caused by Corporations and the Responsibility of Directors - Legal Situation in Japan"  
- Yasuhiro Kojima, Professor, Niigata University
- (2) "Corporate Responsibility for Environmental Harm"  
- David. R. Percy, Professor, University of Alberta
- (3) "Insolvency of the Financial Institutions and Directors' Responsibility"  
- Tsuyoshi Yamada, Associate Professor, Niigata University
- (4) "Responsibility for the Disloyalty of Others: Accessory Liability for Breach of Fiduciary Duty in Canada"  
- Robert N. Chambers, Associate Professor, University of Alberta

\*The texts read at the symposium are attached in the following pages.