ONUMA Yasuaki (1946–2018)

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On 16 October 2018 ONUMA Yasuaki died. He was an important author and member of the academic advisory board (until Volume 19 Issue 3) of the *Journal of the History of International Law*, and a distinguished Japanese international law scholar. He made significant academic contributions to the history and theory of international law and advocated what he called transcivilizational perspective on international law, including its history. It mattered to him that his name would be written in English according to the Japanese tradition, first the family name (Onuma), and thereafter the given name (Yasuaki).

Onuma's influential article 'When was the Law of International Society born? – An Inquiry of the History of International Law from an Intercivilizational Perspective' was published in Volume 2 of the *Journal of the History of International Law* in 2000. In this article, he challenged the Eurocentric concept of the history of international law which has been used to construct the field primarily via its European history: the 'discovery' of the New World, the Peace of Westphalia (1648), the Congress of Vienna (1815), etc. At some point, according to the Eurocentric concept, European international law was introduced and spread elsewhere as well when other, non-European states (such as Japan in the late nineteenth century) were accepted as members of the international community. Before that, they lived in a sort of darkness or innocence as far as the (European) international law was concerned. As a result, their contributions to international law as a system have taken place only relatively recently – or so the traditional account would assume.

Earlier non-European academic challengers of this narrative essentially made the following point: the non-Western world (e.g. India) already knew some, if not many, of these 'European' international law norms earlier, before European colonization. Such norms were often universal, rather than European. Onuma's main point in the article was somewhat different: the history of international law was first of all a regional-civilizational affair and other, non-European regions, such as East Asia, led by China and the Islamic world, had their own types of international normative orders – functional equivalents of European international law, although called and understood differently. They were based on similar but partly still different principles – for example the East Asian normative system did not recognize the sovereign equality of states but rather hierarchical tributary relationships with the dominant Empire, China.

As already mentioned, Onuma's article became influential – but also in the sense that later efforts to write the history of international law, individually or collectively, could not ignore the powerful call for globally more inclusive and less Eurocentric histories.¹ What added further academic weight to the historical interpretations of Onuma was the fact that he equally knew the European history of international law and its theory superbly, having edited and co-authored a book of Japanese international law scholars on Hugo Grotius.²

Onuma's main project after his historical studies was to extend the transcivilizational approach that he introduced to the study of contemporary

1 See e.g. Fassbender, Bardo and Anne Peters (eds.). *The Oxford Handbook of the History of International Law* (Oxford: OUP, 2012).

2 Onuma, Yasuaki (ed.). *A Normative Approach to War: Peace, War, and Justice in Hugo Grotius* (Oxford: Clarendon Press, 1993).

international law. His recent fundamental works thus covered not just the history but also the contemporary doctrines and practices of international law from the transcivilizational perspective.³ However, also in this project the history remained an important source and method for Onuma's narrative. As I, and others, have discussed elsewhere substantive aspects of his last fundamental book,⁴ I would not like to repeat myself here and will focus more on the biographical; how I got to know Onuma san as a human being.

Onuma was born on 8 March 1946 in post-World War II Japan, in Yamagata city. He received his legal education at the University of Tokyo, the most prestigious Japanese university. The University of Tokyo was also the place in which he spent most of his distinguished academic career, starting as research associate in 1970. He was Professor of International Law at the Faculty of Law of the University of Tokyo in 1984–1991 and in 1991–2009 at the Graduate Schools for Law and Politics of the same university. In 2009, he retired from the University of Tokyo, a public university, and for more than five years worked as Professor of International Law at Meiji University, a prestigious private university in Tokyo.

Throughout his academic career, he had numerous stays at leading Western and other Asian research institutions which decisively shaped his understanding of international law – Harvard, Princeton, Yale, Columbia, Michigan, Paris, Freiburg, Geneva, Sydney, Cambridge, Beijing, New Delhi, Georgetown. Over these years, he developed an impressive network of collegial friendships and he liked to update his befriended colleagues about his conference trips, plans and publications.

I first met Onuma san probably in 2003 at the annual meeting of the American Society of International Law in Washington, DC, and was carried away by his forceful interventions and charismatic, unique personality. Relatively small in size, he could not be ignored in expert discussions about international law, at this time after the beginning of the Iraq war. He commanded the not-too-shy American/Western discussion style perfectly, yet at

3 See especially Onuma, Yasuaki. *A Transcivilizational Perspective on International Law* (Leiden: Martinus Nijhoff Publishers, 2010). Onuma, Yasuaki. *International Law in a Transcivilizational World* (Cambridge: CUP, 2017).

4 See Mälksoo, Lauri. 'Civilizational Diversity as Challenge to the (False) Universality of International Law'. *Asian Journal of International Law* 9 (2019), 155–165, doi:10.1017/S2044251318000206; Mälksoo, Lauri. 'ONUMA, Yasuaki, International Law in a Transcivilizational World, Cambridge, Cambridge University Press, 2017'. *Leiden Journal of International Law* 31(2) (2018), 439–445, doi:10.1017/S0922156518000043; Tahraoui, Milan Nebly, 'Onuma, Yasuaki: International Law in a Transcivilizational World'. *Heidelberg Journal of International Law* 78(4) (2018), 1046–1064.

the same time continued to advance his critique of West-centrism in the field of international law. Seeing him speaking at ASIL reminded me a bit of what an Estonian writer had once told me about meeting with Jean-Paul Sartre in Tallinn in 1964: he was a small man in size but when he started to speak, he immediately filled the room with his personality. I felt the same was true with Onuma san; his presence commanded authority and authoritativeness.

Onuma san became my mentor when I did a post-doc fellowship at the University of Tokyo in 2006–2007. During Spring semester 2007, he invited me to teach together with him a class on the history of international law at Todai (common abbreviation for the University of Tokyo). We looked at the history of international law from comparative perspectives, including East Asia and the former Russian Empire (my own big interest). Onuma san was a very friendly, collegial and generous mentor and we were brought personally even closer when my wife gave birth to our elder son in Tokyo in 2007. One of Onuma's postgraduate students helped me to locate in an antiquariat the Japanese translation of the international law textbook of the Russian (and Baltic) international lawyer Friedrich Martens (1845–1909), which I purchased and later donated to the library of the Faculty of Law of St Petersburg State University in the Russian Federation, the *alma mater* of Martens. In that way, different places and times became symbolically linked in our collaboration and encounters. Onuma san later became a keynote speaker at the research forum of the European Society of International Law that I organized in Tallinn in 2011. The video of his presentation in Tallinn is still one of the best and liveliest of him available on the internet.⁵

Onuma san and his wife have two daughters and his elder daughter, ONUMA Mizuho, has been a member of the House of Councillors, the upper house of the National Diet of Japan.

During his last years, Onuma san suffered from cancer that initially retreated thanks to medical care but eventually proved stronger than him. Onuma dealt with his disease with dignity and continued to be active as much as he could – fighting back by publishing new, even more fundamental and heavy books. He continued to pursue his passions such as yoga, dancing and travelling – one of the last trips was, apt for a man whose lifelong interest was history, to the Egyptian pyramids. On 19 March 2017, he invited a group of Japanese and overseas friends and colleagues to Tokyo, to a symposium marking and celebrating his life's work. At this gathering, more specifically at a festive dinner offered by the Japanese Ministry of Foreign Affairs, I took the photo of him which is reproduced at the beginning of this obituary.

⁵ See <https://www.uttv.ee/naita?id=5459>.

We know that human life is temporal and yet it hurts to see how people who were close to us must go. I wonder to what extent death is culturally different in Japan and Estonia, and think back at Onuma san's comment that he was shaped by Buddhism, among other things. Either way, perhaps scholars are a special kind of people because our writings remain and have their own fate – it is fully possible, even probable, that in 2100 someone will study what Onuma wrote and argued about, in the same way as we discussed Grotius, Martens and other great international lawyers in Tokyo more than a decade ago.

I imagine Onuma san standing there at the Egyptian pyramids close to the end of his life and thinking about time, time that passes by. He was a small boy from Yamagata city, a relatively small city in Japan, and he made it to the big world of international law and scholarship – to Yale and Paris and Cambridge University Press. With his ideas, Onuma showed us the future of international law in a number of ways – in eloquent English but simultaneously telling so far underrepresented perspectives and concerns of the world outside the West.

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