

Neurotechnology and Neurolaw: ELSI and Governance in the Design of International Framework

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Abstract:

Three years have passed since I led the ELSI team on neuroscience and its technologies in the government-supported Moonshot R&D Project. Based on this experience, I would like to point out the problems of ELSI/RRR and present certain possible prospects. Following that, I will discuss what I consider to be the most important issues regarding the regulatory framework for neurotech from a legal perspective, which is key to the ELSI. Recently, international bodies such as the OECD, UNESCO, the UN Human Rights Council, and UNICEF have issued a series of reports and recommendations on the legal and ethical control of neurotech. However, the discourses on “rights” in the broad sense, freedom of thoughts, mental privacy, mental integrity, and cognitive liberty, have not necessarily been resolved. Lawyers, legal scholars, and ethicists will need to take over this discourse. To this end, I would like to propose a platform that puts into practice the above-mentioned discourses of rights by presenting two views of the human being brought about by neuroscience, an approach that sees human nature as information and its processing processes, and an approach that sees it as a closed loop of the nervous system in the body.

Biographical information:

駒村圭吾「個人の消失（ヒトへの回帰）にどう立ち向かうか——計算論的人間観の台頭と『連関と緊張』の近未来」法律時報 Vol. 1200（2024年3月）(Keigo Komamura, *How to Confront the Disappearance of the Individual (Return to the Human)---The Rise of the Computational View of Human Being and the Future of “Linkage and Tension,”* Houritsujihō vol.1200 (March, 2024)(Japanese only)