

Pandemic ELSI Conference Summary

This document summarizes the comments recorded during the General Discussion held on the third day of the Pandemic ELSI International Conference, which took place at Kyoto University from March 13 to 15, 2025.

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Archiving the Ethical, Legal, and Social Issues
in Pandemic Responses
towards Building an Infectious-Disease-Resilient Society

1. Comments by Professor Satoshi Kodama

Professor Kodama provided a comprehensive summary of the discussions, focusing on three key questions:

1. Evaluation of Responses:

- Kodama reflected on how well Japan and other countries responded to the COVID-19 pandemic. Countries like Taiwan and South Korea were highlighted as examples of successful crisis management, largely due to their experiences with SARS. Effective plans included early virus detection, rapid production of PPE and vaccines.
- He pointed out that Japan's initial lack of recognition of a pandemic as a form of disaster limited its preparedness. He also noted that pandemic preparedness should include integrating pandemics into disaster prevention frameworks.

2. Ethical, Legal, and Social Issues (ELSI):

- The pandemic exposed tensions between public health and individual rights, such as privacy and freedom. He emphasized the need to reconcile these values in crisis situations.
- The conference raised concerns about the effectiveness and ethics of digital apps, human rights violations like discrimination and slander, and the conceptual differences between risk and crisis management.
- Further topics included the relationship between law and morals, the clinical vs. public health perspectives on informed consent (e.g., for vaccinations in Japan), and how societies can unite instead of divide during crises.
- He also addressed the ethics of journalism, asking whether the media should support or criticize government efforts during emergencies.
- Value conflicts between public health and individual freedoms or economic concerns were highlighted as major dilemmas during Japan's COVID-19 response.

3. Future Preparedness:

- He stressed the need for systematic reviews post-crisis, similar to accident investigation boards, to document mistakes and successes for future learning.

- He concluded with six key topics covered during the conference: legal and ethical dilemmas in public health, public trust and risk communication, digital technologies and privacy, equity and vulnerability, the role of humanities and social sciences, and the future of pandemic preparedness.

He invited further comments and reflections from other chairs to contribute to the general discussion.

2. Comments by Professor Ilhak Lee

Professor Lee reflected on the session that featured four presentations by early-career researchers. The presentations covered a diverse range of methodologies, including archival research, qualitative studies, theoretical and critical approaches, and legal analyses related to pandemic responses. Then, he continued to comment on the topics covered during the conference.

1. Session Reflections

He provided a summary and reflection on the session he chaired, sharing his thoughts and highlighting its significance:

- Mr. Izawa's presentation showed how ELSI research can be strengthened through empirical data, using local government posters to highlight its role in both shaping and reviewing policies.
- Dr. Nam analyzed South Korea's 3T strategy, pointing out its legal and ethical complexities while urging deeper reflection on public health's recurring blind spots.
- Dr. Hamashima shared frontline physicians' experiences during the pandemic, offering valuable insights and highlighting the challenges of conducting research under crisis conditions.
- Prof. Chung reflected on how legal frameworks both support and constrain public health, with the insurance IC card illustrating this dynamic in practice.

2. Reflection on Pandemic ELSI Research:

- He emphasized the need to define what "pandemic

ELSI" research encompasses, suggesting that researchers often engage in ELSI work without explicitly labeling it as such.

- He proposed that, similar to "ethics-first" approaches seen in AI research, ELSI research should be integrated into policy planning and implementation from the start, not only as a retrospective analysis.

3. Challenges for ELSI Researchers:

- He pointed out that ELSI researchers may not always be prepared to actively participate in crisis response or policymaking processes.
- He called for clearer ideas on best practices for ELSI researchers to contribute meaningfully to real-time decision-making and pandemic responses.

4. Engagement and Inclusion:

- A key interest for him is how to ensure the engagement of diverse perspectives and the inclusion of marginalized voices in the decision-making process.
- He suggested that ELSI researchers can serve as intermediaries, helping bridge gaps between policymakers and socially excluded or mistreated groups.

5. South Korean Case Study:

- He shared a poignant example from South Korea involving a Hansen's disease (leprosy) community. This community, already marginalized, was subjected to a renewed lockdown during the COVID-19 pandemic, exacerbating their historical trauma and distrust toward the government.
- However, healthcare professionals personally visiting and supporting each resident helped restore trust, resulting in improved cooperation with public health authorities.
- He highlighted this as an example of how pandemics, despite dividing societies, can also offer opportunities to rebuild lost trust and foster solidarity.



Conclusion:

- He concluded that pandemics are dual forces — they can deepen societal divides but also present chances to heal and unite. He stressed the importance of ongoing ELSI engagement to foster resilience and inclusion.

3. Comments by Professor Daniel Fu-Chang Tsai

Professor Tsai opened by expressing gratitude for the well-structured and insightful conference. He appreciated the comparative approach between countries, noting that while some nations succeeded in certain aspects of pandemic response, others struggled, offering valuable learning opportunities.

1. International Solidarity & Taiwan's Experience:

- Tsai expressed special thanks to Japan for its timely donation of AstraZeneca vaccines to Taiwan during a critical phase of the pandemic, when vaccine supplies were limited. He emphasized how this act of international support not only provided practical assistance but also helped to stabilize Taiwanese society psychologically.

2. Early Expert Network in Taiwan:

- He detailed how Taiwan benefited from early warnings due to professional networks between infectious disease specialists in Taiwan and Wuhan. This facilitated prompt inquiries and investigations, enabling Taiwan to respond faster than many other countries.

- He stressed the importance of maintaining such transnational networks among experts for future crisis responses, and suggested that ELSI scholars should also establish similar collaborative frameworks.

3. Informed Consent & Public Health Policy:

- He discussed the informed consent model, particularly concerning vaccination and healthcare worker protections during the pandemic.
 - He highlighted that while informed consent is crucial in clinical medicine, its application becomes complicated when public health policies (e.g., quarantine) require mandatory compliance. He noted differences in enforcement across countries—Japan leaned toward voluntary compliance, while South Korea and Taiwan imposed fines.



4. Balancing Ethics and Public Health Outcomes:

- He raised the ethical dilemma between maximizing public health outcomes and preserving individual freedoms. He questioned whether societies should be willing to accept slightly worse outcomes to uphold autonomy and freedom, pointing to the tension between autonomy preservation and utility

maximization approaches.

5. Inclusion vs. Division:

- He emphasized that pandemics can exacerbate divisions within societies, sometimes due to misinformation or political agendas. He underlined the need to proactively safeguard inclusion and social cohesion, even under challenging circumstances.

Conclusion:

- He concluded by emphasizing that these ethical and social complexities are critical areas for further research and policymaking. He noted that there is much "homework" for Taiwan and other nations to take back, reflect on, and improve before the next crisis.

4. Comments by Professor Yicheng Chung

Professor Chung shared reflections on lessons from Japan and Taiwan, emphasizing the importance of learning from past pandemics.

1. Cross-Country Comparisons:

- As a Taiwanese living in Japan, Chung offered a unique comparative view. Despite different historical and social contexts, both countries struggled to apply past epidemic lessons during COVID-19. She noted that even with Taiwan's SARS experience, mistakes and delays were repeated, highlighting the need to better institutionalize learning.

2. Frontline Challenges:

- She observed that frontline frustration stemmed less from case numbers and more from inconsistent government policies and slow responses. Despite expert committees, Japan lacked early involvement from emergency specialists such as DMAT, hindering effective policymaking.

3. Ethics & Policy Disconnect:

- She pointed out that unrealistic policies like "zero-COVID" in some countries created confusion among healthcare workers and stressed the need for policies that reflect frontline realities.

4. Future Directions:

- She called for stronger collaboration among academics, policymakers, and healthcare workers, urging more direct clinician involvement in discussions on ELSI (ethical, legal, and social issues).

Conclusion:

- She concluded that engaging frontline perspectives is vital for responsive, ethical pandemic policies and emphasized building interdisciplinary bridges moving forward.



5. Comments by Professor Eric Feldman

Professor Feldman focused on the universal tension between protecting individual liberties and advancing public health, drawing comparisons between Japan and other countries such as the United States.

1. Liberty vs. Public Health Dilemma:

- He highlighted that balancing individual freedoms with public health is one of the most enduring and challenging issues in public health policy.
- In the U.S., this debate is often framed through legal precedents, notably the *Jacobson v. Massachusetts* (1905) case, which upheld compulsory smallpox vaccination.
- He noted that this legal precedent remains contentious and continues to influence U.S. debates on vaccine mandates and individual rights during pandemics.

2. Japan's Unique Approach:

- He observed that, unlike the U.S., Japan's COVID-19 response did not prominently feature debates around vaccine mandates versus liberty. Instead, public discussions in Japan focused on other dimensions of pandemic policy.
- He expressed curiosity about where Japan and other countries such as Taiwan and South Korea concentrate their societal debates regarding the trade-off between public health and individual liberties.

3. Jonathan Mann's Perspective:

- He mentioned Jonathan Mann, a renowned figure in public health ethics, who argued that public health and human rights should never be seen as in conflict, but as mutually reinforcing.
- He pointed out that while this is an influential perspective, it has provoked substantial debate in the U.S., where tensions between liberty and collective health are often viewed as a zero-sum game.

4. Historical and Cultural Factors:

- He also questioned whether Japan's sensitivity to individual liberty restrictions might be disproportionately influenced by its World War II history, particularly regarding government surveillance and control.
- He suggested that deeper research into Japan's cultural and historical context could reveal other factors shaping its approach to balancing freedom and public health.

Conclusion:

- He concluded by urging scholars to examine how these liberty-versus-health tensions manifest differently across cultures and legal systems, and whether this framing might be overemphasized in some contexts.

6. Comments by Professor Nariyoshi Shinomiya

Professor Shinomiya provided reflections on improving future pandemic preparedness and shared

key considerations for building a more resilient and informed society.

1. Quality of Information:

- He stressed the importance of collecting and disseminating accurate and high-quality information during health crises.
- He emphasized the need for timely and reliable information to help guide public responses and policymaking.
- However, he raised a concern: who should be responsible for gathering, verifying, and communicating this information? He pointed out that the credibility of committees or experts depends on who appoints them, suggesting transparency in this process is critical.

2. Education and Awareness:

- He stressed the importance of public health education. He suggested that the public must be educated not only with factual information but also on distinguishing between what is truly important and what is not during a crisis.
- He called for continued updates to public knowledge based on the latest evidence and research.



3. Policy and Rule-making:

- He stressed the necessity of implementing adaptive rules and policies in response to the evolving nature

of pandemics.

- He also highlighted the importance of evaluating the effectiveness of new regulations and ensuring that these rules are communicated clearly and transparently to foster trust and compliance.

4. Stakeholder Communication & Multidisciplinary Approach:

- He emphasized the need for strong communication and collaboration among diverse stakeholders.
- He praised Dr. Kodama’s approach to fostering relationships across disciplines and advocated for a multidisciplinary framework, incorporating insights from medicine, law, ethics, and social sciences to strengthen pandemic responses.

5. Feedback Loops and Continuous Improvement:

- He recommended creating feedback mechanisms (similar to PDCA cycles) to continuously evaluate policies and adjust strategies as needed.
- He also noted the importance of investing in research capacity, including data collection and analysis, to support evidence-based decision-making in future crises.

Conclusion:

- In conclusion, he underscored the importance of looking back at the past 4-5 years of pandemic experience, documenting lessons learned, and identifying areas for improvement. He called for structured reflection to ensure societies are better equipped when the next crisis arises.

7. Comments by Professor T. Ling Lee

Professor T. Ling Lee, participating via Zoom, provided a comment and a question reflecting on international public health law and Japan’s potential role in shaping global pandemic preparedness strategies.

1. Human Rights and National Prioritization:

- She noted that the COVID-19 pandemic has significantly influenced how human rights law is interpreted during public health emergencies.
- A key trend is the recognition that governments

have a primary obligation to protect their own citizens first, before fulfilling broader international responsibilities.

- She highlighted border closures as an example, mentioning how, although contested at the outset (particularly in Taiwan), such actions were later justified as necessary for protecting national public health capacities.

2. Global Governance Gap – the U.S. and the WHO:

- She expressed concern over the leadership vacuum left by the U.S. withdrawal from the WHO during the pandemic, stressing the global implications of this shift.
- She acknowledged Japan's active role in global health governance, particularly its leadership in promoting Universal Health Coverage (UHC), as a positive counterbalance.

3. Japan's Future Role in Pandemic ELSI:

- She posed a key question to the panel: Could Japan play a larger international role in shaping ELSI frameworks for future pandemic preparedness?
- This was framed as an opportunity for Japan to leverage its strengths in global health diplomacy and contribute to strengthening international pandemic governance and ethical norms.

Conclusion:

- She concluded by thanking the organizers for the valuable insights over the past three days and expressed hope that Japan could take on a more proactive global role in addressing pandemic-related ELSI challenges.

8. Comments by Professor Megumu Yokono

Professor Yokono shared a thoughtful reflection on broader societal and institutional dynamics revealed during the pandemic and called for proactive, long-term efforts beyond crisis response.

1. Crisis Reveals Hidden Inequalities:

- She pointed out that pandemics and other crises expose pre-existing vulnerabilities, inequalities, and divisions within societies and institutional systems.

- She emphasized that these issues, often invisible during normal times, tend to surface during emergencies, requiring urgent attention and action.

2. Beyond the Pandemic Lens:

- She cautioned against viewing these societal problems as exclusive to pandemics or crises. Instead, she argued that such issues are ongoing structural challenges that persist even outside of emergencies.

3. Building a Resilient Society:

- She stressed that to create a more resilient and equitable society, governments, institutions, and communities must address these issues proactively, rather than waiting for the next crisis to act.
- She advocated for integrating these lessons into long-term policy reforms aimed at improving social infrastructure and institutional robustness.

4. Role of Academia:

- She highlighted academia's responsibility to preserve and share knowledge across borders, facilitating international dialogue and collaboration.
- She argued that academic institutions should act as platforms for continuous learning and critical reflection, helping to prevent the recurrence of the same mistakes in future crises.

Conclusion:

- She concluded by calling on the academic community to ensure that insights and lessons from COVID-19 are archived, shared, and applied in shaping more just and resilient future policies, both locally and globally.

9. Final Comments by Professor Satoshi Kodama

In his final remarks, Professor Kodama summarized the key takeaways from the three-day conference and outlined the future direction of the Pandemic ELSI project.

1. Project Archiving and Open Access:

- He introduced the Pandemic ELSI Project's website (pandemic-philosophy.com), which publicly archives materials from the project for open access. The repository at Kyoto University (KURENAI, <https://repository.kulib.kyoto-u.ac.jp/dspace/?locale=en>) is intended for long-term use by policymakers, researchers, students, and media professionals.

- He emphasized that although the archive is by no means complete, it serves as a critical resource for policy evaluation, international comparison, and public reflection.

2. Key Applications of the Archive:

Policy Evaluation: The project provides information, including international benchmarks, to help assess Japan's COVID-19 response from an ELSI perspective.

- **Educational Use:** The materials aim to support students and researchers analyzing ethical, legal, and social issues in pandemic contexts.

- **Ethical Frameworks for Crisis Situations:** he highlighted the importance of fostering ethical norms not only during peacetime but also tailored to crisis situations like pandemics or mega-disasters (e.g., earthquakes).



3. Crisis Standards of Care & Siracusa Principles:

- He referred to the Crisis Standards of Care discussed in the US and the Siracusa Principles (UN guidelines on limiting human rights during emergencies) as essential frameworks for ethical

crisis management.

- He noted that discussions on human rights and ethics often focus on peacetime conditions, but emphasized the need to develop specific ethical norms for emergency contexts.

4. Pandemic Timeline Resource:

- The project also created a chronological timeline of pandemic-related events, which serves as a model for archiving evolving social issues, not only for historical record-keeping but for real-time learning and policy development.

5. Personal Reflection:

- He shared his personal journey with pandemic ethics, noting his first hands-on experience was during the 2009 H1N1 influenza outbreak when he worked on vaccine prioritization for the Japanese government.

- He acknowledged that, unlike Taiwan and South Korea, Japan did not fully incorporate lessons from past epidemics into its COVID-19 response, which underscores the need for sustained reflection and improvement.

Conclusion:

- He expressed hope that this project and conference would serve as a foundation for future research and collaboration, helping build stronger crisis management frameworks.

- He emphasized that the Pandemic ELSI Project would officially conclude in March 2025 but welcomed future partnerships to continue addressing these critical issues.