

ICJ and Japan

ICJ's Compulsory Jurisdiction

- In order to ensure the peaceful settlement of an international dispute, it is desirable that more states accept ICJ's compulsory jurisdiction, declaring the jurisdiction of the ICJ as compulsory in relation to any other State accepting the same obligation. However, as of October 2015, there are only 72 states that have made such a declaration.
- Japan made this declaration in 1958. It subsequently amended it in 2007 and in 2015 respectively (see attachment).

Judges from Japan

There have been six judges from Japan in total who were elected as Judge in ICJ or in its predecessor, PCIJ (Permanent Court of International Justice).

- PCIJ: Judge Yorozu Oda (1922-1930)
Judge Mineichiro Adachi (1931-1934: served as President (1931-1933))
Judge Shunichi Nagaoka (1935-1942)
- ICJ: Judge Kotaro Tanaka (1961-1970)
Judge Shigeru Oda (1976-2003)
Judge Hisashi Owada (2003- : served as President (2009-2012))

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- Japan was a party to a case concerning whaling in the Antarctic (2010-2014). After the deliberation of a judgment, Japan announced that it will abide by the Judgment of the Court as a State that places a great importance on the international legal order and the rule of law as a basis of the international community.
- In addition, Japan was a party to two cases under the PCIJ, the predecessor of the ICJ in the past.
- Japan also sought a settlement of a dispute under the ICJ in the following issues.
 - Dispute over Pearls in the Arafura Sea (Japan/Australia)
 - Takeshima Dispute (Japan/Republic of Korea)
 - Dispute over the Northern Islands (Japan/Russia)
- Japan made a statement in the following Advisory Proceedings.
 - Legality of the Threat or Use of Nuclear Weapons
 - Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory
 - Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo

Japan's declaration recognizing the jurisdiction of the ICJ as compulsory

Japan places importance on the peaceful settlement of international disputes and the rule of law in the international community. From this perspective, it has maintained its declaration recognizing the jurisdiction of the ICJ as compulsory and has called on other states to make a declaration for the same effect. In addition, Japan has taken the following steps in order to utilize the ICJ in a more appropriate manner.

On 9 July 2007, Japan declared that it would not recognize the compulsory jurisdiction of the ICJ in a case where a state that had not previously accepted it suddenly made a declaration for that effect only in relation to or for the purpose of bringing a case against Japan before the ICJ and then actually submitted it to the ICJ.

On 6 October 2015, Japan made a new declaration which does not apply to disputes relating to research on, or conservation, management or exploitation of, living resources of the sea, considering that the United Nations Convention on the Law of the Sea (UNCLOS) has provisions regarding such resources and dispute settlement procedure, which allow the involvement of experts from the scientific or technical perspective. Japan is a State Party to the UNCLOS and continues to observe the obligations under the UNCLOS.