

ICJ and Japan



ICJ's Compulsory Jurisdiction

- In order to ensure peaceful settlement of international disputes, it is desirable that more States accept the 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 December 2020, there are only 74 states that have made such declaration.
- Japan made this declaration in 1958. It subsequently amended it in 2007 and in 2015.

Judges from Japan

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

- PCIJ: Judge ODA Yorozu (1922-1930)
Judge ADACHI Mineichiro (1931-1934: served as President (1931-1933))
Judge NAGAOKA Harukazu(1935-1942)
- ICJ: Judge TANAKA Kotaro (1961-1970)
Judge ODA Shigeru(1976-2003)
Judge OWADA Hisashi (2003-2018 : served as President (2009-2012))
Judge IWASAWA Yuji (2018-)

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- Japan was a party to a case concerning “Whaling in the Antarctic” (2010-2014). Japan abided by the Judgment of the Court as a State that places great importance on the international legal order and the rule of law in the international community.
- In addition, Japan was a party to two cases before the PCIJ, the predecessor to the ICJ.
- Japan also sought to settle the disputes over the following issues at the ICJ.
 - Dispute over Pearls in the Arafura Sea (Japan/Australia)
 - Takeshima Dispute (Japan/Republic of Korea)
 - Dispute over the Northern Territories (Japan/Russia)
- Japan made statements 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 added that it 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.