

# JAPAN'S INITIATIVE FOR THE RULE OF LAW AMONG NATIONS



- The rule of law is the concept that recognizes the superiority of the law over all forms of power.
- In the UN resolutions, the importance of the rule of law has been affirmed both at the national and international levels.
- The rule of law at the international level calls on States to respect basic international norms, in particular the prohibition of use of force.

## **Friendly Relations Declaration (A/RES/25/2625) (1970)**

*(Preamble) Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,*



## **Resolution adopted at the 2005 UN World Summit (A/RES/60/1)**

*134. Recognizing the need for universal adherence to and implementation of the rule of law both at the national and international levels, we:*

*(a) Reaffirm our commitment to the purposes and principles of the Charter and international law and to an international order based on the rule of law and international law, which is essential for peaceful coexistence and cooperation among States;”*



## **Pact for the Future**

*“We reaffirm our commitment to act in accordance with international law, including the Charter and its purposes and principles, and to fulfil our obligations in good faith. We reaffirm the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter of the United Nations, and in this regard recall the importance of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.”*

---

## ADDRESS AT THE UN GENERAL ASSEMBLY (2022)

---

On September 20, 2022, Prime Minister Kishida stated at the 77th Session of the United Nations General Assembly that Japan is fully committed to the realization of a United Nations that promotes the rule of law in the international community. In his statement, he emphasized the following three points:



(Photo: Cabinet Public Affairs Office)

- *Break away from “rule by force” and pursue “rule of law” through observing international law in good faith;*
- *Do not allow any attempts to change the status quo of territories and areas by force or coercion; and*
- *Cooperate with one another against serious violations of the principles of the UN Charter*

---

## MINISTERIAL OPEN DEBATE OF THE UN SECURITY COUNCIL ON THE "RULE OF LAW AMONG NATIONS" CHAIRED BY THEN FOREIGN MINISTER HAYASHI (2023)

---

On January 12, 2023, then Foreign Minister Hayashi stated at the ministerial open debate of the UN Security Council “Rule of Law among Nations” that the rule of



law among nations is about returning to the unshakable principles that the Member States have built upon since 1945, and called upon all Member States "Uniting for the rule of law." (See also the concept note for the open debate)



---

## G7 FOREIGN MINISTERS' MEETING IN KARUIZAWA, NAGANO (2023)

---

### G7 Foreign Ministers' Communiqué

On April 18, 2023, G7 Foreign Ministers met in Karuizawa, Japan, and issued a G7 Foreign Ministers' Communiqué containing the following paragraph relating to the rule of law among nations:



*“We are determined to strengthen the free and open international order based on the rule of law, respect for the UN Charter, the sovereignty, and territorial integrity of all states, and respect for human rights and fundamental freedoms. Countries, large and small, benefit from these principles. We are determined to uphold and protect them, and we stand ready to work with all willing partners in this endeavor.*

*The prohibition of threats or the use of force against the territorial integrity or political independence of any state, in accordance with the provisions of the UN Charter, constitutes the cornerstone of the post-war international system. Yet, territorial ambition is again driving some states to return to rule by force, so we have redoubled our efforts to uphold peace guided by the rule of law. The prohibition on the acquisition of territory resulting from the threat or use of force, reaffirmed in the Friendly Relations Declaration of 1970, should be observed in good faith. We strongly oppose any unilateral attempts to change the peacefully established status of territories by force or coercion anywhere in the world. In this regard, sending regular or irregular forces to unilaterally annex a territory is prohibited.”*

---

## G7 HIROSHIMA SUMMIT (2023)

---

In May 2023, Japan hosted the G7 Hiroshima Summit. G7 Leaders issued the G7 Hiroshima Leaders' Communiqué containing the following reference relating to the rule of law among nations:



*“We will champion international principles and shared values by:*

- *upholding and reinforcing the free and open international order based on the rule of law, respecting the UN Charter to the benefit of countries, large and small;*

- *strongly opposing any unilateral attempts to change the peacefully established status of territories by force or coercion anywhere in the world and reaffirming that the acquisition of territory by force is prohibited;”*



(Photo: Cabinet Public Affairs Office)

Also at the Summit, the G7 leaders along with the leaders of 8 invited countries and Ukraine’s President Volodymyr Zelenskyy discussed the peace and stability of the world, and shared the recognition on the importance of the following points:

- *All countries should adhere to the principles of the UN Charter, including respect for sovereignty and territorial integrity.*
- *Confrontation should be resolved peacefully through dialogue, and we support a just and durable peace that is based on respect for international law and the principles of the UN Charter.*
- *Any unilateral attempt to change the status quo by force is unacceptable anywhere in the world.*
- *We strive to uphold the free and open international order based on the rule of law.*

*[Note] 8 invited countries are Australia, Brazil, Comoros (African Union Chair), Cook Island (Pacific Islands Forum (PIF) Chair), India (G20 Presidency), Indonesia (ASEAN Chair), Republic of Korea and Vietnam.*

\* In preparation for the G7 Hiroshima Summit, where various issues relating to international law were discussed, the Japanese Legal Advisor/Director-General for International Legal Affairs invited G7 Legal Advisors to Tokyo and held a meeting of the Working Group of G7 Legal Advisors in April 2023.

---

## ADDRESS AT THE UN GENERAL ASSEMBLY (2023)

---



(Photo: Cabinet Public Affairs Office)

On September 19, 2023, Prime Minister Kishida referred to the importance of the rule of law again at the 78th Session of the United Nations General Assembly, while emphasizing Japan's determination to safeguard and strengthen 'human dignity'.

- ❑ *"The principles of the UN Charter, such as sovereign equality, respect for territorial integrity and the prohibition of the use of force, are fundamental principles of international law for people to live in peace and provide the basis of the 'rule of law.'"*
- ❑ *"International law is there for the benefit of weaker states. Together, under the 'rule of law', Japan would like to protect the right of vulnerable nations and peoples to live in peace, in order to safeguard and strengthen 'human dignity'."*

---

## THE NINTH JAPAN-CHINA-ROK TRILATERAL SUMMIT (2024)

---

The 9th Japan-China-ROK Summit was held in Seoul on May 27th. The Joint Declaration of the 9th Summit released after the meeting reads:

*"We reaffirmed our commitment to the purposes and principles of the Charter of the United Nations and to an international order based on the rule of law and international law. In this context, we shared the importance for states to abide by their commitments under the international law and agreements among states."*

## JAPAN'S STATEMENTS REGARDING THE REQUEST FOR ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

### **“Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem” (2023, 2024)**

With regard to the request for advisory opinion submitted by the General Assembly of the United Nations for the International Court of Justice on “Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”, Japan submitted its written statement on July 2023 and participated in the public sitting to deliver its oral statement on 22 February 2024.



(Photo : International Court of Justice)

In its statements, reiterating its basic position on the Middle East Peace Process, Japan took the opportunity to present its views on legal aspects regarding the principle of the “prohibition of the acquisition of territory by force”, an important element of the rule of law in the international community. By continuing its contribution to the activities in the ICJ, including its participation in this oral proceedings, Japan will actively engage in the efforts to promote the rule of law in the international community.

Written statement of  
Japan (July 2023):



Oral statement of  
Japan (February 2024):





## “Obligations of States in Respect of Climate Change” (2024)



(Photo : International Court of Justice)

With regard to the request for advisory opinion submitted by the General Assembly of the United Nations for the International Court of Justice on “Obligations of States in Respect of Climate Change”, Japan submitted its written statement on March 2024 and participated in the public sitting to deliver its oral statement on 9 December 2024.

In its statements, reiterating its basic position on climate change measures, Japan took the opportunity to present its views on obligations and legal consequences under international law in the field of climate change. By continuing its contribution to the activities in the ICJ, including its participation in this oral proceedings, Japan will actively engage in the efforts to promote the rule of law in the international community and take action to address the issue of climate change, which is an urgent challenge common to all humankind.

Written statement of  
Japan (March 2024):



Oral statement of Japan  
(December 2024):

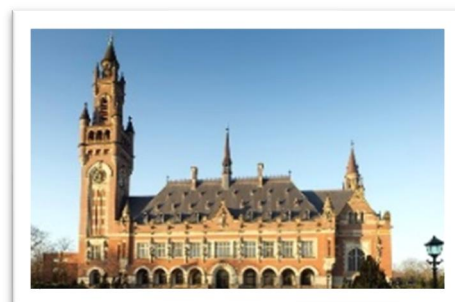


## JAPAN'S CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS IN THE AREA OF INTERNATIONAL LAW

### International Court of Justice (ICJ)

Japan encourages the rule of law in the international community via peaceful settlement of international disputes. From this perspective, Japan has accepted the compulsory jurisdiction of the ICJ, and calls upon others including major countries to declare likewise. Japan has consistently issued Japanese Judges.

To date, only 74 out of 193 UN member States have accepted the compulsory jurisdiction of the International Court of Justice. We need to redouble our efforts to uphold the rule of law among nations.



Judge Iwasawa

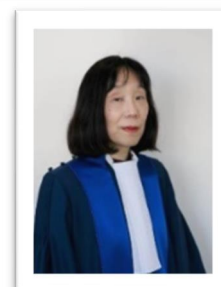
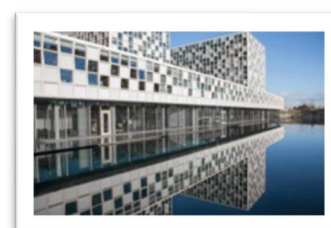
Japanese Government's statement  
on the role of ICJ (2023):



### International Criminal Court (ICC)

As the largest financial contributor, Japan has consistently supported the ICC's activities through sending Japanese judges and dispatching prosecutors. The universality of the Rome Statute continues to be an important goal for Japan.

Japan is the only country in Asia to have referred the Situation in Ukraine to the ICC.



Judge Akane



# International Tribunal for the Law of the Sea (ITLOS)

Japan attaches great importance to maintaining and developing the maritime order based on the rule of law and highly appreciates ITLOS's contribution to the peaceful settlement of maritime disputes. Japan will continue to cooperate with ITLOS.

Japan has consistently produced Judges since the establishment of the Tribunal in 1996 and is the second largest fiscal contributor.



Judge Horinouchi

## International Law Commission (ILC)

Progressive development of international law and its codification is another important effort in promoting the rule of law among nations and Japan is fully committed to support and contribute to the work of the ILC.



Not only has Japan consistently sent Japanese international law experts as members of the ILC since its admission to the UN, but also three of them had been appointed as Special Rapporteurs and had led to successful completion of each topic.

Besides actively engaging in discussions at the Sixth Committee of the UN General Assembly, Japan has made its best efforts to submit comments and observations and other related information to the ILC.



















Professor Asada,  
Member of the ILC

## TOKYO INTERNATIONAL LAW SEMINAR (2024)

- The Tokyo International Law Seminar provides lectures in the field of international law, for officials and legal experts from Asia and Africa. Through the exchanges between the participants, the seminar aims to contribute to the peace guided by the rule of law.
- The seminar is also designed to foster professionals in the fields of international law by opening the door to lawyers and international law researchers from Japan.
- Approximately 90 people attended the seminar in 2024. The participants included 32 government officials from Asia and Africa, namely Botswana, Brunei, Cambodia, Djibouti, Egypt, Ghana, Iraq, Jordan, Kuwait, Kyrgyzstan, Laos, Madagascar, Mauritius, Mongolia, Morocco, Pakistan, Qatar, Saudi Arabia, Solomon Islands, South Africa, Sri Lanka, Thailand, Timor-Leste, Turkmenistan, Tanzania, Vietnam, AALCO, and African Union Commission, as well as lawyers from Japanese law firms that sponsored the seminar and young researchers in the field of international law.
- During the seminar, prominent international law experts from abroad and international law scholars from Japan gave lectures on various areas of particular importance in the practice of international law, as well as on practices related to international litigation.



- 1   **International Litigation (1) – Mr. Paul REICHLER (International Lawyer, 11KBW)**  
外務省 / MOFA • 206 回視聴 • 3 か月前  
1:42:32
- 2   **International Litigation (2) – Mr. Paul REICHLER (International Lawyer, 11KBW)**  
外務省 / MOFA • 133 回視聴 • 3 か月前  
1:49:47
- 3   **Influence of the Common Law and Civil Law Traditions on International Adjudication and Arbitration**  
外務省 / MOFA • 180 回視聴 • 3 か月前  
1:43:32
- 4   **International Criminal Law/ICC – Judge AKANE Tomoko (President of ICC)**  
外務省 / MOFA • 861 回視聴 • 3 か月前  
1:01:02
- 5   **Business and Human Rights – Ms. Rachel Davis (Co-Founder and Vice President, Shift)**  
外務省 / MOFA • 186 回視聴 • 3 か月前  
1:35:18
- 6   **The Reform of the Investment Regime and of ISDS - Prof. Makane Moïse MBENGUE (University of Geneva)**  
外務省 / MOFA • 225 回視聴 • 3 か月前  
1:43:39
- 7   **Responsibility of States - Prof. HAMAMOTO Shotaro (Kyoto University)**  
外務省 / MOFA • 203 回視聴 • 3 か月前  
1:28:04
- 8   **Panel Discussion "Rule of Law in International Community--Perspectives from the Global South"**  
外務省 / MOFA • 154 回視聴 • 3 か月前  
1:30:54

The list of lecturers below (video recordings are available for some lecturers):



- (a) “International Litigation” (1), **Mr. Paul REICHLER**, International Lawyer, 11KBW
- (b) “International Litigation” (2), **Mr. Paul REICHLER**, International Lawyer, 11KBW
- (c) “Influence of the Common Law and Civil Law Traditions on International Adjudication and Arbitration”, Judge **Joan E. DONOGHUE**, Former President of the ICJ
- (d) “International Criminal Law/ICC”, Judge **AKANE Tomoko**, President of ICC
- (e) “Business and Human Rights”, **Ms. Rachel Davis**, Co-Founder and Vice President, Shift
- (f) “The Reform of the Investment Regime and of ISDS”, **Prof. Makane Moïse MBENGUE**, University of Geneva
- (g) “Responsibility of States”, **Prof. HAMAMOTO Shotaro**, Kyoto University
- (h) Panel Discussion "Rule of Law in International Community -- Perspectives from the Global South", Panelists: **Prof. Erika de WET**, University of Graz, **Prof. Dapo AKANDE**, University of Oxford, ILC member, **Prof. Makane Moïse MBENGUE**, Moderator: **Prof. HAMAMOTO Shotaro**

---

## RELEVANT PARTS OF “FRIENDLY RELATIONS DECLARATION”

---

“The rule of law among nations” is a term used in the preamble of the Friendly Relations Declaration (GA res 2625 (XXV) “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,” 1970). Some of the relevant parts of the Declaration are as follows:

---

“The General Assembly,

Reaffirming in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations, (...)

Bearing in mind also **the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations, (...)**

Considering that **the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfillment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security** and for the implementation of the other purposes of the United Nations, (...)

1. Solemnly proclaims the following principles:

**The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations**

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. **Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues. (...)**

Every State has **the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States. (...)**

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. **The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. (...)**

**The duty of States to co-operate with one another in accordance with the Charter**

**States have the duty to co-operate with one another**, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order **to maintain international peace and security** and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

To this end:

**a. States shall co-operate with other States in the maintenance of international peace and security; (...)**

**The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,**

**Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.**

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law. (...)"



# STUDIES SPONSORED BY THE GOVERNMENT OF JAPAN



## Prior Consent by States to the Jurisdiction of International Courts and Tribunals in Inter-State Disputes

ZACHARY VERMEER AND DAPO AKANDE  
November 2019

