

**TOKYO
INTERNATIONAL
LAW
SEMINAR**



Tokyo International Law Seminar 2024

Programme

Organized by



外務省
Ministry of Foreign Affairs of Japan

Co-organized by



Supported by



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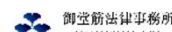
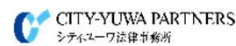
**NAGASHIMA OHNO
& TSUNEMATSU**



古賀総合法律事務所
KOGA & PARTNERS



MORI HAMADA & MATSUMOTO



OH-EBASHI
大石法律事務所

真和総合法律事務所
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Shiratori Law Office

TABLE OF CONTENTS

●	Introductory Message -----	P. 1
●	Schedule of the Seminar -----	P. 2
●	Mr. Paul Reichler (International Lawyer, IKBW) -----	P. 3
	✧ <i>International Litigation</i> (26 Aug.)	
●	Judge Joan E. Donoghue (Former President of the ICJ) -----	P. 4
	✧ <i>The Influence of the Common Law and Civil Law Traditions on International Adjudication and Arbitration</i> (26 Aug.)	
●	Prof. Philippa Webb (King's College London) -----	P. 7
	✧ <i>State, State Official, Diplomatic Immunities</i> (27 Aug.)	
●	Ms. Hayashi Izumi (President of the Intellectual Property Lawyers Network Japan) --	P. 8
	✧ <i>Lunch Seminar on Intellectual Property hosted by the Ministry of Justice</i> (27 Aug.)	
●	Mr. Yamauchi Yoshimitsu (Director of UNAFEI) -----	P. 9
	✧ <i>Capacity Building of Legal Systems</i> (27 Aug.)	
●	Mr. Tatemoto Ryota (Director General of ICD, Research and Training Institute, Ministry of Justice) -----	P. 10
	✧ <i>Capacity Building of Legal Systems</i> (27 Aug.)	
●	Ms. Rachel Davis (Vice President and Co-Founder, Shift) -----	P. 11
	✧ <i>Business and Human Rights</i> (28 Aug.)	
●	Prof. Makane Moïse Mbengue (University of Geneva) -----	P. 12
	✧ <i>The Reform of the Investment Regime and of ISDS</i> (28 Aug.)	
	✧ Panel Discussion "Rule of Law in International Community – Perspective from the Global South" (30 Aug.)	
●	Prof. Dapo Akande (University of Oxford, ILC member) -----	P. 13
	✧ <i>International Law and the Use of Force</i> (29 Aug.)	
	✧ Panel Discussion "Rule of Law in International Community – Perspective from the Global South" (30 Aug.)	
●	Mr. Ben Juratowitch KC (Barrister, Essex Court Chambers) -----	P. 14
	✧ <i>Preparation and Participation in ISDS</i> (29 Aug.)	
●	Prof. Hamamoto Shotaro (Kyoto University) -----	P. 15
	✧ <i>Responsibility of States</i> (30 Aug.)	
●	Prof. Erika de Wet (University of Graz) -----	P. 15
	✧ Panel Discussion "Rule of Law in International Community – Perspectives from the Global South"	
●	Japan's Initiatives on the Rule of Law Among Nations -----	P. 17

Introductory Message

- *Welcome to the Tokyo International Law Seminar 2024!*
- *While the world is increasingly characterized by division and confrontation, Japan has been advocating the notion of a “free and open international order”.*
- *The rule of law at the international level is still admittedly weak, but we must not wave a white flag now.*
- *In order to promote the “rule of law”, it is essential to foster human resources in the field of international law.*
- *Government officials and non-governmental experts in the area of international law have an important role to play in promoting the “rule of law”.*
- *Japan has been working hard to encourage learning together and networking among officials and experts from different countries.*
- *In this regard, the Tokyo International Law Seminar serves as a truly transnational and transregional platform for co-creating the “rule of law.” Officials and legal experts from Asia and Africa deepen their knowledge together by engaging with top-class experts in key areas of international law.*
- *Through fostering common knowledge of international law and friendly relationships among international lawyers based on a “co-creation” approach, the Tokyo International Law Seminar should make a contribution to the realization of peace guided by the “rule of law” in the future.*

***The Tokyo International Law Seminar Foreign Lecturer Advisory Committee**

The following three prominent experts in the area of international law, who are also participating in the Tokyo International Law Seminar as lecturers, have been advising on the selection of foreign lecturers and topics:

- Mr. Paul REICHLER (11 King’s Bench Walk Chambers)
- Prof. Dapo AKANDE (University of Oxford, Member of International Law Commission)
- Prof. Philippa WEBB (King’s College London)

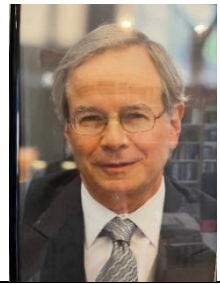
Tokyo International Law Seminar - Tentative Schedule

26-30 August 2024, at United Nations University

* The topics, the lecturer and the schedule are subject to change.

	Mon, Aug. 26th	Tue, Aug. 27th	Wed, Aug. 28th	Thu, Aug. 29th	Fri, Aug. 30th
09:00-10:40	— 10:30-10:55 Opening Session	TBC	Business and Human Rights Ms. Rachel DAVIS Vice President and Co-Founder, Shift	International Law and the Use of Force (1) Prof. Dapo AKANDE University of Oxford, ILC member	Responsibility of States Prof. HAMAMOTO Shotaro Kyoto University
11:00-12:40	International Litigation (1) Mr. Paul REICHLER International Lawyer, 11KBW		The Reform of the Investment Regime and of ISDS Prof. Makane Moïse MBENGUE University of Geneva	International Law and the Use of Force (2) Prof. Dapo AKANDE University of Oxford, ILC member	Panel Discussion "Rule of Law in International Community --Perspectives from the Global South" <Penelists> Prof. Erika de WET, Univeristy of Graz Prof. Dapo AKANDE Prof. Makane Moïse MBENGUE <Moderator> Prof. HAMAMOTO Shotaro
Break	—	Lunch Seminar on Intellectual Property hosted by Ministry of Justice <Speaker> Ms. HAYASHI Izumi President of the Intellectual Property Lawyers Network Japan	—	—	12:45-13:00 Completion Ceremony —
14:00-15:40	International Litigation (2) Mr. Paul REICHLER International Lawyer, 11KBW	State, State Official, Diplomatic Immunities (2) Prof. Philippa WEBB King's College London	14:00-15:15 Special Career Workshop for Asia Cup participants	Preparation and Participation in ISDS (1) Mr. Ben JURATOWITCH KC Barrister, Essex Court Chambers	—
16:00-17:40	The Influence of the Common Law and Civil Law Traditions on International Adjudication and Arbitration Judge Joan E. DONOGHUE Former President of the International Court of Justice (ICJ)	Capacity Building of Legal Systems Mr. YAMAUCHI Yoshimitsu Director of UNAFEI Mr. TATEMOTO Ryota Director General of ICD, Research and Training Institute, Ministry of Justice	16:00-17:40 Asia Cup International Law Moot Court Competition for future international lawyers in Asia Final Round	Preparation and Participation in ISDS (2) Mr. Ben JURATOWITCH KC Barrister, Essex Court Chambers	—
	Welcome Reception hosted by Ministry of Foreign Affairs, Japan	—	Asia Cup Awards Ceremony, Reception		

Paul Reichler



Associate Member, 11 King's Bench Walk Chambers, London

Practitioner of Public International Law since 1981, representing States in disputes against other States before the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS) and international arbitral tribunals; and representation of States in arbitration against foreign investors. Notable cases include: (before the ICJ) *Nicaragua v. United States*, *Argentina v. Uruguay*, *The Gambia v. Myanmar*, *Guyana v. Venezuela*, *Legal Status of the Chagos Archipelago* (counsel for Mauritius), *Legality of Israel's Prolonged Occupation, Settlement and Annexation of Occupied Palestinian Territory* (counsel for Palestine); (before ITLOS) *Bangladesh v. Myanmar*; *Ghana v. Cote d'Ivoire*, *Mauritius v. Maldives*; (before arbitral tribunals) *Philippines v. China*; *Philip Morris v. Uruguay*.

Education

HARVARD LAW SCHOOL
J.D. (1973)

Experience

ASSOCIATE MEMBER, 11 KING'S BENCH WALK CHAMBERS, LONDON
2023 - Present

PARTNER, FOLEY HOAG LLP, WASHINGTON, DC
1998 - 2022

PARTNER, REICHLER, MILTON & MEDEL, WASHINGTON DC
1984 - 1998

PARTNER, POWELL GOLDSTEIN, FRAZER & MURPHY, WASHINGTON DC
1981 - 1984

Expertise

Advocacy on behalf of
States before
international courts and
arbitral tribunals

Overview of the Lecture

ADVOCACY ON BEHALF OF STATES BEFORE INTERNATIONAL COURTS AND ARBITRAL TRIBUNALS:

This lecture is about the practice of public international law, with a focus on strategy and tactics, based on 40 years of representing States before international courts and tribunals. It will address, *inter alia*: the decision to initiate judicial or arbitral proceedings and the selection of the forum; the framing of the application and claims; the composition of the legal team; when to seek provisional measures; and when to raise objections to jurisdiction or admissibility. It will then address the different phases of the proceedings – written and oral - with special emphasis on development and use of evidence, and the basic elements of successful written and oral presentations.

Joan Donoghue



Former Judge and President, International Court of Justice

In addition to my service as a Judge on the International Court of Justice, I have experience in international arbitration. I have also served as a foreign ministry lawyer (at the United States Department of State).

Education

UNIVERSITY OF CALIFORNIA, BERKELEY

J.D. (1981)

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BA with Honors (Biology) and
BA with Honors (Russian
Studies) (1978)

Experience

I have served as President (2021-2024) and Judge (2010-2024) of the International Court of Justice and have served as president or member of arbitral tribunals and ICSID annulment committees. I served for many years as an attorney in the Office of the Legal Adviser, U.S. Department of State, including three years (2017-2010) as the senior career attorney at the ministry. I have taught courses in international law at various law schools and in the regional training program.

Expertise

Public international law

Overview of the Lecture

THE INFLUENCE OF THE COMMON LAW AND CIVIL LAW TRADITIONS ON INTERNATIONAL ADJUDICATION AND ARBITRATION:

The lecture will introduce the seminar participants to the ways in which the civil law and common law traditions have influenced international adjudication and arbitration. It is hoped that participants will gain insight into the ways in which national legal traditions influence the approaches favored by judges, arbitrators, counsel and scholars.

Reference/Guiding Questions

- Please refer to the Reading list and the Note for participants as Attached 1 and 2.

Tokyo International Law Seminar 2024

The Influence of the Common Law and Civil Law Traditions on International Adjudication and Arbitration– Reading List

1. Statute of the International Court of Justice (ICJ) (see especially Articles 9 and 30 and Chapters III-IV)
<https://www.icj-cij.org/statute>
2. ICJ Rules of Court (see especially Articles 9 and 26-27 and Parts III-IV)
<https://www.icj-cij.org/index.php/rules>
3. Convention on the Settlement of Investment Disputes between States and Nationals of Other States (see especially Chapters IV-V)
<https://icsid.worldbank.org/rules-regulations/convention/icsid-convention/preamble>
4. International Centre for Settlement of Investment Disputes (ICSID) Arbitration Rules
<https://icsid.worldbank.org/rules-regulations/convention/arbitration-rules/introductory-note>
5. United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules (2021 version)
Available at <https://uncitral.un.org/en/texts/arbitration/contractualtexts/arbitration>, first link under “Additional resources”.
6. Rules on the Efficient Conduct of Proceedings in International Arbitration (Prague Rules)
Available at https://praguerules.com/prague_rules/
7. International Bar Association (IBA) Rules on the Taking of Evidence in International Arbitration (2020 version) and Commentary thereon
Available at <https://www.ibanet.org/resources>
8. Participants who would benefit from a succinct introduction to state-to-state adjudication and investor-state arbitration may wish to consult one of these sources:
 - 1) ICJ website: <https://www.icj-cij.org/history>
 - 2) ICSID website: <https://icsid.worldbank.org/About/ICSID>
 - 3) Participants who have access to the Oxford Handbook of International Adjudication may wish to consult chapter 9, on international judicial bodies for resolving disputes between states (by Professor Sean D. Murphy) and chapter 14 on investment arbitration (by Professor Christoph Schreuer): <https://academic.oup.com/edited-volume/42603>

The Influence of the Common Law and Civil Law Traditions on International Adjudication and Arbitration

Judge Joan Donoghue

Former President, International Court of Justice

Tokyo International Law Seminar, 26 August 2024

Summary and Introduction

The objective of this lecture is to introduce participants to aspects of present-day international adjudication and arbitration that have their roots in the civil law and common law legal traditions. The focus will be on state-to-state adjudication (with particular attention to the international Court of Justice (ICJ)) and investor-state arbitration. Like national courts of first instance (and unlike national constitutional courts or supreme courts), both the ICJ and arbitral tribunals in investor-cases must decide not only questions of law but also questions of fact.

Topics to be addressed include:

- A brief history of the origins of international adjudication and arbitration
- The sources of law (including the role of prior judicial decisions)
- The pre-hearing phase (any exchange of evidence between parties; the role of written proceedings)
- The conduct of oral proceedings (the role of oral witness testimony, the interactions between the adjudicators and the counsel/witnesses)
- Questions of proof (burden of proof, standard of proof, methods of proof)
- Methods of obtaining scientific or technical expertise (party-appointed or appointed by adjudicator)
- The adjudicators' approaches to reasoning and the style of drafting

The accompanying reading list identifies some relevant rules and procedures. Participants may find it helpful to review some of the cited materials.

Reflection on one's experience in a national legal system

It is to be expected that the participants in the Seminar will have had varying levels of exposure to international adjudication and arbitration. However, it is likely that each participant has an understanding of aspects of adjudication in his or her home country. To enrich your appreciation of the topics to be discussed, you are therefore encouraged to give some thought, in advance of the session, to the ways in which the topics identified above are approached in the courts of your home state. Do you think the approaches used in your home country are well-suited to international adjudication and arbitration?

Philippa Webb



Professor of Public International Law, King's College London

(from September, University of Oxford)

I am a Professor and Barrister specializing in public international law. I appear regularly in the International Court of Justice as well as international tribunals and English courts. I have lived in Australia, Japan, the USA, the Netherlands and France and have Filipino and New Zealand heritage. I am looking forward to a lively exchange about cutting edge issues on immunity in international law.

Education

YALE LAW SCHOOL, USA

J.S.D. (International Law),
LL.M. (International Law)

UNIVERSITY OF NEW SOUTH WALES, AUSTRALIA

LL.B. / B.A. (Hons) (Advanced
Japanese Studies)

Expertise

Immunities
Dispute settlement
Treaties
State responsibility
Human rights

Experience

SEPTEMBER 2024- PROFESSOR OF PUBLIC INTERNATIONAL LAW,
UNIVERSITY OF OXFORD
2019-2024 PROFESSOR OF PUBLIC INTERNATIONAL LAW, KING'S
COLLEGE LONDON; DIRECTOR OF THE CENTRE FOR INTERNATIONAL
GOVERNANCE AND DISPUTE RESOLUTION
2016- BARRISTER SPECIALIZING IN PUBLIC INTERNATIONAL LAW,
TWENTY ESSEX, LONDON
2015-2019 ASSOCIATE PROFESSOR IN PUBLIC INTERNATIONAL LAW,
KING'S COLLEGE LONDON
2012-2015 LECTURER IN PUBLIC INTERNATIONAL LAW, KING'S COLLEGE
LONDON
2009-2012 VISITING ASSISTANT PROFESSOR, LEIDEN UNIVERSITY AND
LEGAL ADVISER ON INTERNATIONAL LAW
2006-2009 LEGAL OFFICER AND SPECIAL ASSISTANT TO PRESIDENT
HIGGINS GBE KC, INTERNATIONAL COURT OF JUSTICE
2004-2005 JUDICIAL CLERK TO JUDGES OWADA AND HIGGINS,
INTERNATIONAL COURT OF JUSTICE
2001-2003 ASSOCIATE OFFICER, UNITED NATIONS HEADQUARTERS

Overview of the Lecture

STATE, STATE OFFICIAL, DIPLOMATIC IMMUNITIES:

This lecture will explore a dynamic and fascinating area of international law: the law of immunities. The topic will be addressed in three parts: (i) the immunity of the State and its officials from the jurisdiction of foreign and international courts; (ii) the immunity of the State from execution against its property; (iii) diplomatic and consular immunities. Under each of these parts, the lecture will review the key principles and discuss some contemporary challenges. Following the lecture there will be an interactive session in which we will explore case studies.

Reference/Guiding Questions

- [1961 Vienna Convention on Diplomatic Relations](#)
 - [2004 United Nations Convention on Jurisdictional Immunities of States and their Property](#)
 - [2012, International Court of Justice, Jurisdictional Immunities of the State \(Germany v. Italy: Greece intervening\)](#)
 - [2022 United Kingdom Supreme Court, Basfar v Wong](#)
 - [EPRS Report by Philippa Webb on Legal Options for Confiscating Russian State Assets](#)
-

Izumi Hayashi



President, IP Lawyers Network Japan

Born in Tokyo. Registered at Tokyo Bar Association in 1987 after working as a prosecutor in the District Public Prosecutor's Office. Founding Partner, Sakurazaka Law Offices
Director of Japan Wheelchair Tennis Association

Education

WASEDA UNIVERSITY

Graduated from the
Faculty of Law,

Expertise

Negotiation of domestic and
international contracts and
dispute resolution in the areas
of corporate law,
Intellectual property,
Competition law

Experience

【GOVERNMENT COUNCILS (AS OF 2024/8)】

- MEMBER, FOREIGN SERVICE PERSONNEL COUNCIL, MINISTRY OF FOREIGN AFFAIRS
- ACTING CHAIRPERSON (AND CHAIRPERSON OF THE REGIONAL REVITALIZATION WORKING GROUP) OF THE COUNCIL FOR REGULATORY REFORM, CABINET OFFICE,
- MEMBER OF INTELLECTUAL PROPERTY STRATEGY HEADQUARTERS, CABINET SECRETARIAT
- SPECIAL MEMBER, CENTRAL CONSTRUCTION DISPUTE REVIEW COMMITTEE, MINISTRY OF LAND, INFRASTRUCTURE, TRANSPORT AND TOURISM
- MEMBER, ADVISORY GROUP FOR COURT SUPPORT OF "PROJECT FOR IMPROVEMENT OF INTELLECTUAL PROPERTY RIGHTS PROTECTION AND LEGAL INTEGRITY FOR IMPROVEMENT OF BUSINESS ENVIRONMENT", JAPAN INTERNATIONAL COOPERATION AGENCY (JICA), INDONESIA
- MEMBER, COUNCIL FOR FOOD, AGRICULTURE AND RURAL AREA POLICY, MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
- MEMBER OF CIVIL CONCILIATION COMMITTEE (INTELLECTUAL PROPERTY CONCILIATION), TOKYO DISTRICT COURT, JAPAN
- BOARD MEMBER LEGAL ADVISER, HITOTSUBASHI UNIVERSITY

Overview of the Lecture

INTERNATIONAL COOPERATION IN THE FIELD OF INTELLECTUAL PROPERTY:

Strengthening the protection of intellectual property is extremely important in promoting technological innovation and achieving economic growth. I would like to introduce some of the efforts by the Japanese public and private sectors to promote the protection and use of intellectual property through enhanced international collaboration.

Yoshimitsu Yamauchi



Director, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)

Find out about UNAFEI and the world of Technical assistance.

Education

SOPHIA UNIVERSITY
(Law), 1988

Expertise

Criminal Law
Criminal Investigation
Criminal Trial
Mutual Legal Assistance

Experience

1995 APPOINTED AS PUBLIC PROSECUTOR (TOKYO, OSAKA, NAGASAKI)
2001 ATTORNEY, CRIMINAL AFFAIRS BUREAU, MINISTRY OF JUSTICE
2005 FIRST SECRETARY OF JAPANESE EMBASSY IN THE UNITED STATES OF AMERICA
2008 ATTORNEY, CRIMINAL AFFAIRS BUREAU, MINISTRY OF JUSTICE
2009 PUBLIC PROSECUTOR, TOKYO DISTRICT PUBLIC PROSECUTORS OFFICE
2011 SENIOR ATTORNEY, INTERNATIONAL AFFAIRS DIVISION, CRIMINAL AFFAIRS BUREAU, MINISTRY OF JUSTICE
2014 PUBLIC PROSECUTOR, TOKYO DISTRICT PUBLIC PROSECUTORS OFFICE
2015 DIRECTOR, INTERNATIONAL AFFAIRS DIVISION, CRIMINAL AFFAIRS BUREAU, MINISTRY OF JUSTICE
2018 ASSISTANT VICE-MINISTER OF JUSTICE
2021 PUBLIC PROSECUTOR, SUPREME PUBLIC PROSECUTORS OFFICE
2022 CHIEF PUBLIC PROSECUTOR, ASAHIKAWA DISTRICT PUBLIC PROSECUTORS OFFICE
2023 PRESENT POSITION

Overview of the Lecture

CAPACITY BUILDING OF LEGAL SYSTEMS: Overview of Technical Assistance by UNAFEI

Ryota Tatemoto



Director General and Government Attorney, International Cooperation Department, Research and Training Institute, Ministry of Justice, Japan (ICD)

Visiting scholar of University of Washington School of Law in 2002-2003.
Get an overview of Japan's "Legal Technical Assistance" through my lecture.

Education

UNIVERSITY OF TOKYO
(Law), 1995 (Bachelor of Laws)

Expertise

Criminal Law
Criminal Procedure Law

Experience

Apr. 1997	Appointed as Public Prosecutor (Tokyo and other District Public Prosecutors Office (PPO))
Apr. 2004	Administrative Officer, Cabinet Office (Assistant Director, Affairs Division, Inspection Bureau, Financial Services Agency)
Jul. 2006	Public Prosecutor, Tokyo District PPO
Aug. 2007	Professor, International Cooperation Department, Research and Training Institute, Ministry of Justice
Apr. 2008	Dispatched to a Royal School for Judges and Prosecutors in the Kingdom of Cambodia
Apr. 2010	Public Prosecutor, Tokyo District PPO
Apr. 2011	Public Prosecutor, Tokyo District PPO, Tachikawa Branch
Apr. 2012	Administrative Officer, Cabinet Office (Examiner, Secretariat of the Information Disclosure and Personal Information Protection Review Board)
Apr. 2014	Public Prosecutor, Nagoya District PPO
Apr. 2016	Public Prosecutor, Tokyo District PPO
Apr. 2018	Deputy Director, Trial Department, Fukuoka District PPO
Jul. 2019	Director, Trial Department, Fukuoka District PPO
Jul. 2020	Deputy Director, Public Prosecutor, Tokyo District PPO, Tachikawa Branch
Jul. 2021	Director, Special Criminal Investigation Department, Kobe District PPO
Apr. 2022	Director, Trial Division, Kobe District PPO
Apr. 2023	Director, Criminal Investigation Department, Chiba District PPO
Apr. 2024	Present Position

Overview of the Lecture

CAPACITY BUILDING OF LEGAL SYSTEMS : Overview of Japan's "Legal Technical Assistance"

Rachel Davis



Co-Founder and Vice President, Shift

Rachel is a global expert on business and human rights at Shift, the leading non-profit center of expertise on the UN Guiding Principles on Business and Human Rights. Rachel helped develop the UNGPs and now advises senior leaders from business and government on alignment with them.

Education

HARVARD UNIVERSITY
LL.M., 2006

UNIVERSITY OF NEW SOUTH WALES
B.A., LL.B, 2003

Experience

CO-FOUNDER AND VICE PRESIDENT, SHIFT
October 2011 - Current

SENIOR PROGRAM FELLOW, CORPORATE RESPONSIBILITY INITIATIVE, HARVARD KENNEDY SCHOOL
November 2008 – June 2023

SENIOR LEGAL ADVISER, SPECIAL REPRESENTATIVE OF THE UN SECRETARY-GENERAL ON BUSINESS AND HUMAN RIGHTS
June 2006 – June 2011

LAW CLERK, HIGH COURT OF AUSTRALIA
Feb 2004 – Feb 2005

LAW CLERK, UN INTERNATIONAL CRIMINAL TRIBUNAL FOR FORMER YUGOSLAVIA
Aug 2003 – Jan 2004

Expertise

Business and Human
Rights
International Criminal
Law

Overview of the Lecture

BUSINESS AND HUMAN RIGHTS:

The discussion will cover the development of the authoritative global soft law standard on this topic – the UN guiding principles on business practice and human rights – and their influence over the last decade on state policy and regulation and business practice, with a focus on recent EU legislation.

Reference/Guiding Questions

- [Introductory page on the UNGPs](#) with links to official text
 - [Ruggie, Rees and Davis, "Ten Years After: From UN Guiding Principles to Multi-Fiduciary Obligations", vol 6\(2\) *Business and Human Rights Journal*, June 2021, pp 179-197](#)
 - (Optional) [International Bar Association's Practical Guidance for Business Lawyers on BHR](#)
 - (Optional) Explore laws and cases on BHR: <https://www.bhr-law.org/>
 - (Optional) [Japan's National Action Plan on BHR; information on other countries' plans](#)
-

Makane Moïse Mbengue



Professor of International Law, University of Geneva and Sciences Po Paris (School of Law)

I am from Senegal and have been teaching and practicing international investment law for the last 15 years. I am expecting participants to explore the current trends and challenges regarding the reform of the investment regime/investor-state dispute settlement and what does this mean for the future of the investment regime

Education

UNIVERSITY OF GENEVA

PhD, International Law
2007

Experience

PROFESSOR OF INTERNATIONAL LAW, UNIVERSITY OF GENEVA

Sept 2012 - present

AFFILIATED PROFESSOR, SCIENCES PO PARIS (SCHOOL OF LAW)

Sept 2013- present

Expertise

International Dispute

Settlement

International Investment

Law

Sustainable Development

Law

Law of the Sea

Overview of the Lecture

THE REFORM OF THE INVESTMENT REGIME AND INVESTOR-STATE DISPUTE SETTLEMENT (ISDS):

The purpose of the lecture is to describe the current trends relating to the reform of the investment regime. The lecture will emphasize the objectives of the reform and the legal tools and strategies to ensure that the new generation of investment treaties are more sustainable development oriented. The lecture will also explore the current proposals for the reform of ISDS in particular investor-state arbitration and identify the synergies that could be built between developed countries and developing countries.

Guiding Questions

- Which synergies can a country like Japan build with Developing countries in Africa and Asia for an effective reform of the Investment regime
 - How to approach the idea of a multilateral instrument to reform ISDS in the context of UNCITRAL Working Group III negotiations?
-

Dapo Akande



Chichele Professor of Public International Law, University of Oxford

Member of the United Nations International Law Commission, and a barrister at Essex Court Chambers, London. He has been counsel in cases before several international tribunals, and regularly provides advice on international law issues to states, international organizations and civil society organizations.

Education

LONDON SCHOOL OF ECONOMICS & POLITICAL SCIENCE

LL.M., International Law
1994

Experience

CHICHELE PROFESSOR OF PUBLIC INTERNATIONAL LAW,
UNIVERSITY OF OXFORD & FELLOW, ALL SOULS COLLEGE, OXFORD
Oct 2023 - present

PROFESSOR OF PUBLIC INTERNATIONAL LAW (FROM 2014)
(PREVIOUSLY ASSOCIATE PROFESSOR/UNIVERSITY LECTURER),
UNIVERSITY OF OXFORD
Sept 2004 - Sept 2023

LECTURER IN LAW, UNIVERSITY OF DURHAM
Sept 2000 - Aug 2004

LECTURER IN LAW, UNIVERSITY OF NOTTINGHAM
Sept 1998 - Aug 2000

Expertise

General International Law

Overview of the Lecture

INTERNATIONAL LAW AND THE USE OF FORCE:

These lectures will review the law governing recourse to force by States. We will examine the meaning and scope of the prohibition of the use of force before turning to the exceptions to that prohibition. In particular, the lectures will address the right to self-defence, including collective self-defence and self defence in response to attacks by non-state armed groups. There will also be discussion of the doctrine of humanitarian intervention and brief consideration of the UN collective security scheme.

Reference/Guiding Questions

- Gray & Sanger, "The Use of Force and the International Legal Order", in Evans (ed.), *International Law* (2024), Chapter 20/ Harris & Sivakumaran, *Cases & Materials on International Law* (2020) ch. 11
- What amounts to "force" and "armed attack" under Articles 2(4) & 51 of the UN Charter?
- Does the right of self-defence relate only to an attack attributable to another State or does it extend to attacks from non-State actors such as terrorists?
- To what extent does international law allow the use of force in order for humanitarian purposes?

Ben Juratowitch KC



Barrister, Essex Court Chambers

Counsel before international courts and tribunals in disputes between States, disputes between foreign investors and States, and disputes between commercial parties. Counsel before domestic courts in cases involving international law or international arbitration.

Education

UNIVERSITY OF OXFORD

D Phil, Law, 2007

Experience

BARRISTER, ESSEX COURT CHAMBERS

2021 - Present

PARTNER, FRESHFIELDS BRUCKHAUS DERINGER LLP

2013 - 2021

ASSOCIATE, FRESHFIELDS BRUCKHAUS DERINGER LLP

2008 - 2013

VISITING FELLOW, LONDON SCHOOL OF ECONOMICS

2013 - 2014

LECTURER, UNIVERSITY OF PARIS V

2009 - 2020

Expertise

International Law

Investor-State Arbitration

Commercial Arbitration

Human Rights

Overview of the Seminar

PREPARATION AND PARTICIPATION IN INVESTOR-STATE DISPUTE SETTLEMENT:

This seminar will focus on the practical aspects of preparing for and participating in arbitrations between States and foreign investors under treaties on the protection of foreign investments, starting with the notification of dispute and period between then and the request for arbitration, progressing through the constitution of the tribunal and the establishment of the procedure for the arbitration, considering the collection and presentation of evidence (documentary, witness and expert) and the making of written submissions, analysing the hearing (oral opening and closing submissions and questioning of witnesses and experts), and discussing potential steps following the rendering of the award. In examining this anatomy of an investor-State arbitration, substantive issues of jurisdiction, admissibility, merits and remedies will also be addressed.

Shotaro Hamamoto



Professor, Kyoto University

I am a generalist of international law – father of two sons, lover of music – educated in Japan, US and France, and working in various places of the world. I will try to stimulate discussions in my lecture, where participants are strongly encouraged to raise controversial issues and ask provocative questions.

Education

UNIVERSITE DE PARIS

Docteur en droit
2007

Expertise

Theory and History of
International Law
Investment Law
Dispute Settlement

Experience

PRESIDENT, JAPANESE SOCIETY OF INTERNATIONAL LAW

June 2024 - present

MEMBER, DELEGATION OF JAPAN TO UNCITRAL

Sep 2010 - present

CO-CHAIR, COMMITTEE ON PROCEDURE OF INTERNATIONAL COURTS AND TRIBUNALS, ILA

2016-2020

COUNSEL, BOTSWANA, CHAGOS ADVISORY PROCEEDINGS, ICJ

2018-2019

COUNSEL, JAPAN, WHALING IN THE ANTARCTIC, ICJ

2010-2014

Overview of the Lecture

STATE RESPONSIBILITY:

It is commonplace in international law that when a State breaches an international obligation, it is responsible for its internationally wrongful act and obliged to make reparation. However, what does “a State breaches an international obligation” mean when people’s decision is held to violate human rights of those who belong to the people (*Verein Klimaseniorinnen Schweiz*)? What happens if a State “breaches” its neutrality “obligations” (war between Russia and Ukraine)? Is it possible for international law to oblige an impecunious State to pay compensation (*Tethyan*)? This lecture reconsiders the “axiomatic statement” (Crawford) on State responsibility.

Reference/Guiding Questions

- Samantha Besson ed., *Theories of International Responsibility Law*, Cambridge University Press, 2022.
 - Martins Paparinskis, “Crippling Compensation in the International Law Commission and Investor-State Arbitration”, *ICSID Review*, vol. 37, 2022, pp. 289-312.
-

Erika de Wet



Professor of International Law, University of Graz

Erika de Wet is a Dutch international legal scholar who was born and raised in South Africa and currently lives in Austria. She has also lived, studied and worked in Germany, the Netherlands, Switzerland and the United States. She has a keen interest in how international law is applied and interpreted in different regions of the world.

Education

UNIVERSITY OF ZURICH

Habilitationsschrift in
Public International Law
2003

HARVARD UNIVERSITY

LL.M
1999

UNIVERSITY OF THE FREE STATE

LL.D
1995

Expertise

Collective security, use of
force, international
organizations,
relationship between
national and international
law, hierarchy in
international law

Experience

PROFESSOR OF INTERNATIONAL LAW, UNIVERSITY OF GRAZ, AUSTRIA

Jan 2020 - Present

HONORARY PROFESSOR, UNIVERSITY OF BONN, GERMANY

Jul 2015 - Present

SARCHI PROFESSOR OF INTERNATIONAL CONSTITUTIONAL LAW, UNIVERSITY OF PRETORIA, SOUTH AFRICA

Jan 2016 - Dec 2019

CO-DIRECTOR OF THE INSTITUTE FOR INTERNATIONAL AND COMPARATIVE LAW IN AFRICA, UNIVERSITY OF PRETORIA, SOUTH AFRICA

Feb 2011 - Dec 2015

PROFESSOR OF INTERNATIONAL CONSTITUTIONAL LAW, UNIVERSITY OF AMSTERDAM, THE NETHERLANDS

Jul 2004 - Jan 2011

CO-EDITOR-IN-CHIEF, MAX PLANCK YEARBOOK OF UNITED NATIONS LAW

Oct 2021 - Present

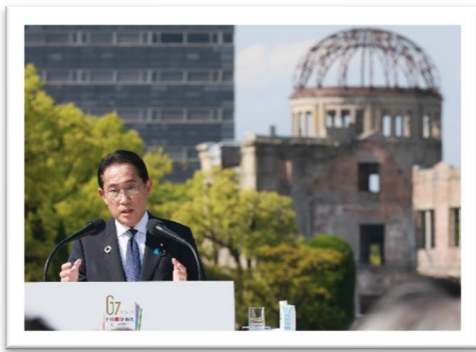
MEMBER FOR THE NETHERLANDS, INTERNATIONAL LAW ASSOCIATION COMMITTEE ON THE USE OF FORCE: MILITARY ASSISTANCE ON REQUEST

Nov 2018 - Present

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.



(Photo: Cabinet Public Affairs Office)

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;

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:

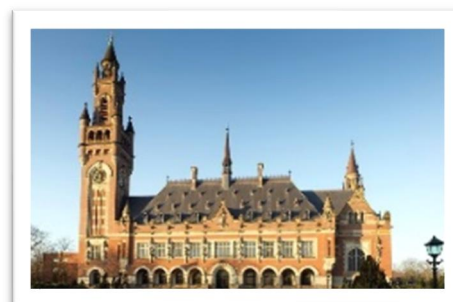
"We reaffirmed our commitment to the purposes and principles of the Charter of the United Nations and to an international order based on the rule of law and international law. In this context, we shared the importance for states to abide by their commitments under the international law and agreements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

JAPAN'S 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

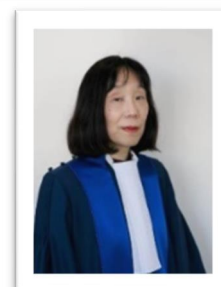
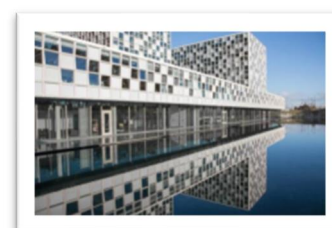
Japanese Government's statement
on the role of ICJ (2023):



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

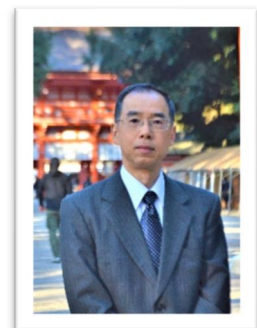
International Law Commission (ILC)

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 (2023-)

- 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 50 people attended the seminar in 2023. The participants included 12 government officials from Asia and Africa, namely Bangladesh, Brunei, Ghana, Indonesia, Kenya, Oman, Philippines, Samoa, Saudi Arabia, Thai, Vietnam, and Secretariat of AALCO, 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   **Key Note "Immunities of State Officials and Prosecutors for International Crimes" Prof. Dapo AKANDE**
外務省 / MOFA • 223 回視聴 • 1 か月前
57:59
- 2   **"Rule of Law" by Mr. MIKANAGI Tomohiro**
外務省 / MOFA • 217 回視聴 • 1 か月前
54:12
- 3   **"International Law Commission" by Prof. ASADA Masahiko**
外務省 / MOFA • 161 回視聴 • 1 か月前
1:14:36
- 4   **"Responsibility of State" by Prof. HAMAMOTO Shotaro**
外務省 / MOFA • 227 回視聴 • 1 か月前
1:14:12
- 5   **"Law of the Sea, Territories" by Prof. NISHIMOTO Kentaro**
外務省 / MOFA • 187 回視聴 • 1 か月前
1:13:57
- 6   **"International Environmental Law" by Prof. TAKAMURA Yukari**
外務省 / MOFA • 141 回視聴 • 1 か月前
1:04:58
- 7   **"Current Challenge to International Law: the Role of AALCO" by Dr. Kamalinee PINITPUVADOL**
外務省 / MOFA • 172 回視聴 • 1 か月前
1:10:42
- 8   **"ISDS and International Investment Law" by Prof. TAMADA Dai**
外務省 / MOFA • 179 回視聴 • 1 か月前
1:09:04

The list of lecturers on the next page (video recordings are available for some lecturers):



- (a) Key Note Lecture **“Immunities of State Officials and Prosecutors for International Crimes: Where does the Law Stand?”**, Prof. Dapo AKANDE, University of Oxford, ILC member
- (b) **“Rule of Law”**, Mr. MIKANAGI Tomohiro, Legal Adviser, Director-General, International Legal Affairs Bureau, Ministry of Foreign Affairs
- (c) **“International Litigation”**, Mr. Paul REICHLER, International Lawyer, 11KBW
- (d) **“International Law Commission”**, Prof. ASADA Masahiko, Doshisha University, ILC Member
- (e) **“Responsibility of States”**, Prof. HAMAMOTO Shotaro, Kyoto University
- (f) **“Immunity and Diplomatic/Consular Relations”**, Prof. Philippa WEBB, King’s College London
- (g) **“International Humanitarian Law”**, Prof. Kubo MAČÁK, University of Exeter
- (h) **“International Law Applicable to Cyber Operations”**, Prof. Kubo MAČÁK, University of Exeter
- (i) **“Law of the Sea, Territories”**, Prof. NISHIMOTO Kentaro, Tohoku University
- (j) **“International Criminal Law”**, Ms. KAWASHIMA Saeko, Former Legal Officer of UN International Criminal Tribunal for the former Yugoslavia (ICTY)
- (k) **“International Environmental Law”**, Prof. TAKAMURA Yukari, University of Tokyo
- (l) **“Current Challenge to International Law: the Role of AALCO”**, Dr. Kamalinne PINITPUVADOL, Secretary-General, Asian-African Legal Consultative Organization (AALCO)
- (m) Special Lecture **“Enforcement of International Law”**, Judge IWASAWA Yuji, International Court of Justice (ICJ)
- (n) **“Capacity Building of Legal Systems”**, Mr. MORINAGA Taro, Director, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and Mr. SUDA Hiroshi, Deputy Director, International Cooperation Department (ICD), Research and Training Institute, Ministry of Justice
- (o) **“Effective Written and Oral Advocacy in International Arbitration”**, Mr. Gary BORN, Partner, WilmerHale
- (p) **“ISDS and International Investment Law”**, Prof. TAMADA Dai, Kyoto University
- (q) **“Domestic Application of WTO Agreement”**, Prof. FUKUNAGA Yuka, Waseda University
- (r) **“Treaty Making and Domestic Application”**, Mr. KATAHIRA Satoshi, Director-General, Economic Affairs Bureau, Ministry of Foreign Affairs

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. (...)"

PRESS CONFERENCE BY FOREIGN MINISTER KAMIKAWA YOKO (THURSDAY, JANUARY 11, 2024, THE HAGUE)

Today, here in The Hague, the “capital of international law”, I visited the International Court of Justice (ICJ). One of the goals that Japan and I myself as a politician have cherished the most is to promote the “rule of law” in the international community for the pursuit of peace and realize a safe



and secure world where “human dignity” of each and every one of us is protected, as the world is becoming more divided and confrontational. When I held a meeting with Judge Donoghue today, President of the ICJ, I reiterated Japan’s strong support for the ICJ’s role in upholding the “rule of law” and “human dignity” and exchanged views on how Japan can cooperate with the ICJ by leveraging our strengths. In the afternoon, I will visit the International Criminal Court (ICC), and explore further collaboration in the future. I also plan to visit the International Tribunal for the Law of the Sea (ITLOS) next week.

Last year, Japan, as the G7 Presidency, consolidated messages of the G7 in pursuit of the “rule of law” through observance of the prohibition of the acquisition of territory by force and other rules of international law in good faith, and conveyed these messages to the world. At the same time, this initiative reflects a sense of urgency about the reality in the international community where peace and security are threatened due to the fragility of the “rule of law”. In the international community, inter-state trials cannot take place without the consent of the parties; if we turn our backs on international trials, the function of rectifying illegal conducts that undermine peace will not work. However, as Judge Donoghue stated last year, this is not a time for the rule of law to wave the white flag of surrender. For my part, as a package for strengthening the “rule of law” by

taking advantage of Japan's strengths, I intend to further promote the following three pillars. In so doing, I will put them into concrete action when deliverable, while incorporating the outcome of this tour and keeping in mind the diplomatic calendar for this year.

First, for the international aspect of the "rule of law", we must aim for an international community in which international law is observed in good faith. To this end, it is essential to enhance the role of international courts. However, only 74 countries have made declarations of the acceptance of the ICJ's compulsory jurisdiction, recognizing jurisdiction as compulsory *ipso facto*. Japan, in coordination with like-minded countries, will call on other States to make a declaration of acceptance of the compulsory jurisdiction of the ICJ as well as to conclude the ICC Rome Statute. The number of States Parties to the ICC Rome Statute also remains only 123. Japan will also contribute as much as possible to the ICJ's work, such as advisory opinions, by submitting written statements and participating in oral hearings. Furthermore, together with the ICC and countries in the region, Japan will explore concrete measures to play a greater role in promoting the ICC in the Asia-Pacific region.

Second, it is important to permeate the "rule of law" within each country in order to strengthen it in the international community. In this regard, we will also boost our cooperation, building on our strengths. Japan has an extensive track record of supporting the development of legal systems in Asia and Africa. In cooperation with the ICC, Japan has made voluntary contributions to the ICC's Trust Fund for Victims for nearly 10 years and has supported female victims of sexual and gender-based violence in conflict in Africa. The spread of the "rule of law" within a country can lead to greater predictability, transparency and fairness in society, thereby laying the foundation for the creation of safe and secure societies where "human dignity" is protected. This year, the TICAD Ministerial Meeting will be held in Tokyo. We will further discuss in detail how to reinforce cooperation with Africa in the area of the "rule of law", making use of Japan's advantages.

Thirdly, for initiatives promoting the “rule of law” at both international and each country’s domestic levels as I just mentioned, Japan will contribute to the training of personnel who is essential to work for these efforts in this field. Japan has been fostering human resource in Asia and Africa through accepting trainees at JICA and UNAFEI over the years, as well as through organizing the Tokyo International Law Seminar, an international law training program for practitioners launched by the Ministry of Foreign Affairs of Japan last year. UNAFEI has also signed the Agreement on Cooperation with the ICC. We will enhance efforts to foster such human resource. We will also seriously consider how we can train even more Japanese people to play an active role in international courts and international organizations, with relevant ministries and agencies.

“Law” is essential for achieving a fair and just society. This is also true in the international community. Japan will exercise diplomacy based on its experience in emphasizing such “law”. “Law” is not something to be imposed ostentatiously, but rather a culture of lawfulness must take root, with other states and people working together through dialogue and cooperation to enjoy mutual peace and happiness through respect for others and self-discipline. For my part, as Minister for Foreign Affairs, I pledge to comprehensively pursue diplomacy for strengthening the “rule of law” in the international community based on dialogue and cooperation.

Finally, after this press occasion, I will pay a courtesy call to Prime Minister Rutte and hold a foreign ministerial meeting with Foreign Minister Bruins Slot. The Netherlands is an important strategic partner that we share more than 400 years of history as well as values and principles with. I look forward to robust discussions, including on partnership towards a “Free and Open Indo-Pacific” including cooperation in the context of NATO.

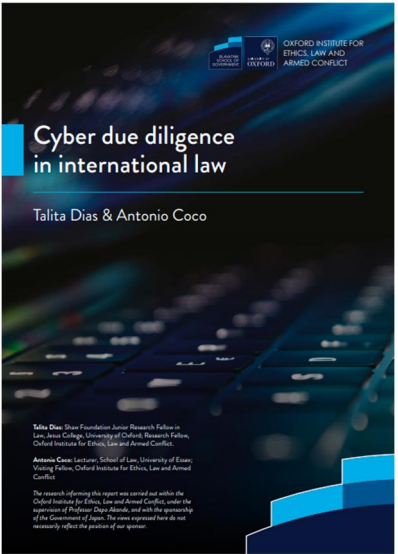
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STUDIES SPONSORED BY THE GOVERNMENT OF JAPAN



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

ZACHARY VERMEER AND DAPO AKANDE
November 2019





外務省

Ministry of Foreign Affairs of Japan