

Speech by Mr. Koichiro Gemba,
Minister for Foreign Affairs of Japan
at the High-Level Meeting on the Rule of Law
September 24th, 2012

Mr. President,
Ladies and Gentlemen,

The rule of law is a wisdom that mankind has acquired after long years of trial and error. The essence of the rule of law is supremacy of law over power, ensuring that all power is exercised for the purpose of survival and happiness of people.

The idea of the rule of law can be found universally. This is because the survival of mankind is maintained by virtue of mutual love, discourse and mutual support. Where there is society, there is law.

The philosophy of the rule of law has a long history in Asia, including Japan. Buddhism came to Japan in the sixth century, and Mahayana Buddhist scriptures taught that the Kings who uphold the law to do good shall be protected, but the Kings who ignore the law to do evil and oppress the people shall perish. In Japan, in the seventh century, Prince Shotoku, a philosopher-politician, established “The Seventeen-Article Constitution”, Japan’s first constitutional law.

The rule of law is a universal philosophy. It is not something unique to Europe, and that should not come as a surprise. That is because while there may be differences of culture or history between the East and the West, human society, in itself, should be the same.

In my view, people in Europe have made two great contributions towards establishing the rule of law as a universal political truth for mankind.

The first was to create democracy, a system to establish laws through discussions. Laws must not be arbitrarily forced upon the people: they must be created through dialogue. Today, parliamentary democracies have been widely established in the world, and the laws are made by the peoples' representatives, duly elected.

The second was to create international law, the application of the rule of law in inter-State relations. International law is also created through discourse and agreement among States. The wisdom of settling disputes between States peacefully in accordance with law really took root in the latter half of the twentieth century.

As the representatives of the present international community, we have the responsibility to further promote the philosophy of the rule of law which we have inherited from the past. However, we cannot yet claim that the rule

of law has been fully established in the international community today. There are so many causes of tensions, such as international terrorism, proliferation of weapons of mass destruction and issues related to national territories. Now, in particular, acts of violence by the Syrian government against innocent civilians must not be tolerated in the context of the rule of law. We must strive to find ways to solve these issues peacefully, based on the rule of law.

Mr. President,

I would like to reiterate today the importance of international courts as a means to settle international disputes peacefully in accordance with law. In this regard, in order to facilitate the use of international courts, I call upon all States who have not yet done so to accept the compulsory jurisdiction of the International Court of Justice.

I also call upon states to accede to the United Nations Convention on the Law of the Sea and to the Rome Statute of the International Criminal Court.

The other thing I would like to reiterate is the importance of international cooperation to advance the rule of law at national levels. Assistance towards developing countries is especially important. In this connection, it is essential to develop legal systems and human resources in each State. Based on our own experience, Japan has been extending support in various

forms in this area, and remains committed to do so.

Mr. President,

Looking back at the twentieth century, the driving force of human society was not just the massive economic dynamism created after the industrial revolution, nor was it just the modern military power including nuclear weapons. In the end, the greatest driving force behind history is the will of the people to pursue peace, liberty and equality.

Mankind has now found the truth that when the will of the people is elevated to the level of norms, they become laws, and that laws bind power. That is the truth we must not forget, as we are the ones responsible for the fate of mankind in the twenty-first century.

Thank you very much for your attention.