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EFFORTS TOWARD INTERNATIONAL RULE-MAKING

(a) Overview

In response to the advancement of globalization as well as the dramatic progress in information and communications technology (ICT) in recent years, international rules are created from day to day and the number of treaties that Japan concludes is growing every year. These treaties cover a wide spectrum, encompassing the political field, security, economy, energy, transport, communications, human rights, culture and the environment. Such a wide-ranging score has evolved to deal with matters that are more closely linked to the lives of ordinary people.

In the midst of these developments, Japan has actively participated in international rule-making and codification of customary international law from its conception, making use of its accumulated knowledge, with a view to establishing an international legal order that contributes to ensuring the security and prosperity of the Japanese people. These efforts are conducive to strengthening the “rule of law” in the international community. Furthermore, the faithful observance of the conventions to which Japan is a party as well as established international law is undoubtedly what the Japanese constitution requires and is also of great significance both in maintaining continuity and consistency in Japan’s diplomacy and in strengthening the international community’s confidence in Japan’s foreign policy.

(b) Creating Basic Frameworks as the basis for Japanese Diplomacy and Security

With regard to the preparation of legislation for responding to emergency situations of Japan, the Japanese Government submitted the Bill Concerning Responses to Armed Attacks to the ordinary session of the Diet in 2002 and it was enacted in 2003. Following this development, with a view to ensuring Japan’s security, the Ministry of Foreign Affairs examines relevant issues on international law and continues to strive for the smooth and effective implementation of the Japan-US Security Treaty. In this connection, the Foreign Ministry has been striving to amend the Acquisition and Cross-Servicing Agreement (ACSA) and to conclude the Additional Protocols to the Geneva Convention.

It is also important to maintain the stable environment surrounding Japan from the viewpoint of its security. Japan, therefore, continues to address post-World War II issues that remain unresolved, such as the normalization of relations between Japan and North Korea and the conclusion of a Japan-Russia peace treaty.

(c) Creating Frameworks for Maintaining and Expanding Free Trade

Japan gives high priority to and promotes the conclusion of Economic Partnership Agreements (EPAs)/Free Trade Agreements (FTAs), recognizing this as a measure that complements and strengthens the multilateral trade system around a core of the World Trade Organization (WTO) and also advances trade liberalization and economic revitalization. In November 2002, Japan concluded the Agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership, Japan’s first EPA/FTA, and launched negotiations for an FTA with Mexico. Moreover, Japan decided that it would start negotiations on an FTA with the Republic of Korea (ROK) in October 2003 and with Thailand, Philippines and Malaysia, respectively, in December. In addition, the Framework for Comprehensive Economic Partnership between Japan and ASEAN was signed in October 2003 so that an EPA would be promoted between Japan and ASEAN as a whole.

(d) Participating in International Rule-Making in New Areas Where a Global Response Is Needed

Due to the advancement of globalization, science and technology, creating legal frameworks to resolve international issues in new areas has become vitally important. Japan has actively been participating in the efforts of the international community. For instance, the WHO Framework Convention on Tobacco Control, the first step toward the international control on tobacco, was adopted in May 2002 after difficult negotiations in which various countries including Japan had proactively participated. The Convention for the Safeguarding of

the Intangible Cultural Heritage, adopted in October 2003, was a typical example of Japan's initiative in the negotiations. Japan contributed to its adoption, making full use of its ample experience and achievements in the area of preserving intangible cultural heritage such as the system of "Living National Treasures." Japan has also actively engaged in the drafting process of the United Nations Convention against Corruption, which aimed mainly at preventing corruption such as bribery by public officials. Many countries including Japan signed the convention at the signing ceremony held in Mexico in December.

(e) Codifying and Interpreting International Law

International law is a legal system with a dynamic nature that continues to develop. Thus, in codifying and interpreting international law, it is of great importance

for Japan to farsightedly map out a strategy through an accurate comprehension of the recent trend in international law. With the aim of responding more appropriately to diverse diplomatic issues, Japan has been conducting a broad exchange of views and in-depth analysis on various points in international law, including security and humanitarian law, so as to apply such an exchange of views and analysis to actual policymaking.

Moreover, Japan has actively been participating in the progressive development and codification of international law with the intention of contributing to the formation of international rules that ensure the safety and prosperity of its people. Concerning the on-going work on the codification of rules on state responsibility, among other things, the Government has repeatedly held exchanges of opinions with scholars both within and outside Japan, and when doing so, it promotes international rulemaking.