

## F Efforts toward International Rule-making

### (a) Overview

The appropriate interpretation and application of international law is sought in the different diplomatic settings that are evolving daily in the current international order. Against this background, Japan has been making efforts to strengthen the “rule of law” in the international community through cooperation with other states and international organs. Due to the advance of globalization and other factors, the formation of international rules is progressing on multiple levels, and Japan actively participates in such international rule-making activities from the early stage of conceptualization with a view to further ensuring the security and prosperity of the Japanese people.

### (b) Building Basic Frameworks for Japanese Diplomacy and Security

With regard to the progress of legislation for responding to armed attacks, following the enactment of the Bills Concerning Responses to Armed Attack Situations in 2003, the government explored relevant aspects of international law and on June 29, 2004, concluded the amended Acquisition and Cross-Servicing Agreement (ASCA) to achieve smooth and effective implementation of the Japan-US Security Treaty, and on August 31, 2004, acceded to the Additional Protocols of the Geneva Conventions.

Japan also engages in negotiations toward normalization of relations with North Korea and conclusion of a Japan-Russia peace treaty, as they are significant from the viewpoint of improving the East Asian security environment and are also important unresolved issues since the end of World War II.

### (c) Building Frameworks for Maintaining and Expanding Free Trade

Japan gives high priority to promoting the conclusion of Economic Partnership Agreements (EPA)/Free Trade Agreements (FTA), recognizing them to be measures that complement and strengthen the multilateral trade system centered on the World Trade Organization (WTO) and that also promote trade liberalization and economic revitalization. Following the conclusion of its first EPA, the one with Singapore, Japan signed an EPA with Mexico in September 2004 after around 22 months of negotiations. In November 2004, Japan and the

Philippines reached agreements in principle on major elements of an EPA, and Japan is currently negotiating EPAs with the Republic of Korea (ROK), Thailand, and Malaysia. It is planned that Japan will begin EPA/FTA negotiations with the Association of Southeast Asian Nations (ASEAN) as a whole in April 2005.

### (d) Participating in International Rule-making in New Areas Requiring a Global Response

Due to the advance of globalization and science and technology, building legal frameworks that are needed to address international issues in non-traditional areas has become vitally important. For instance, taking into consideration the opinions of groups of persons with disabilities Japan participates proactively in the negotiations of the United Nations (UN) General Assembly Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, which has been engaged in drafting the convention since May 2004. In addition, Japan has been working toward an early conclusion of the Convention on Facilitation of International Maritime Traffic, 1965, which requires simplification of the procedures for clearance of ships and would enhance the international competitiveness of Japan’s ports. Japan has concluded agreements on social security with six countries, including France and Belgium, which are expected to promote bilateral exchange of people. And the Kyoto Protocol that was adopted at the 3rd Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP3) in Japan in 1997 entered into force on February 16, 2005.

### (e) Cooperation with Related Countries and International Organizations on the Development of International Law

Japan has participated actively in the codification of international customary law. In December, the UN General Assembly adopted the United Nations Convention on Jurisdictional Immunities of States and Their Property, for which Japan worked hard through deliberations at the International Law Commission (ILC).

The Japanese government also regularly exchanges views on recent international affairs with major coun-

tries and the secretariats of related international organizations from the viewpoint of Japan becoming more actively involved in the formation of international law. In 2004, Japan continued to exchange views with counterparts of the Director-General of the International Legal Affairs Bureau in other countries, and invited President Shi Jiuyong of the International Court of Jus-

tice and Secretary General Hans van Loon of the Hague Conference on Private International Law to Japan to exchange views. Moreover, Japan discussed issues relating to the work of the International Criminal Court (ICC) with the delegations from the EU and ICC during their visits to Japan, and it also held seminars open to the public.