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Statement of Japan

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Report of the International Law Commission on the work of its seventy-fifth session
Cluster III

Statement by Ms. MORISHITA Yuka
Deputy Director for International Legal Affairs Division
Ministry of Foreign Affairs of Japan

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Thank you, Mr. Chair.

I have the honour to speak on behalf of the delegation of Japan. Japan is pleased to comment on the substantial topics covered in Cluster III.

Prevention and repression of piracy and armed robbery at sea

Japan highly appreciates the Commission's dedicated work on this pressing issue. This issue is of critical importance not only for Japan as a maritime nation, but for the entire world, because the stability of sea lanes is a prerequisite for any maritime transportation and thus for the world economy.

We have been consistently promoting the international order based upon the rule of law including in the area of maritime security and safety in order to realize a Free and Open Indo-Pacific. The work of the Commission is significant in this regard. From this perspective, Japan has actively contributed to ensuring freedom of navigation and overflight and safe maritime transport through efforts to combat piracy and armed robbery against ships in Asia and Africa as well as close partnership and cooperation with other countries. For example, Japan has been dispatching Japan Self-Defense Forces surface vessels and maritime patrol aircraft in the Gulf of Aden and off the coast of Somalia to counter piracy.

Japan would like to express its support for the Commission's approach of maintaining the

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legal norms on piracy established in UNCLOS, and then addressing issues relating to the provisions of the current commentary on the definition. In addition, while technological advances may require the international community to update the concept of piracy and armed robbery at sea, the current provisions of UNCLOS should be the starting point to preserve legal stability.

Japan believes that clarification of the definitions of piracy and armed robbery at sea will help the international community understand what measures should be taken to prevent and deter these activities. In this regard, Japan notes the Drafting Committee's suggested approach to clarifying in detail what the cooperation required under Article 100 of UNCLOS entails through interpretation of the Article. Japan supports this approach, and such efforts by the Commission would be helpful in taking a more comprehensive approach to the international community's efforts to counter these activities.

Taking into account the Commission's work, Japan hopes the international community will take more substantive measures against piracy and armed robbery at sea so as to enhance international cooperation toward the common end of prevention and repression of these acts, and this will lead to the realization of the rule of law at sea.

Non-legally binding international agreements

Mr. Chair,

Now, I would like to turn to the topic of "Non-legally binding international agreements."

Japan greatly appreciates the caution the Commission has exercised in addressing this matter. The context of each non-legally binding agreement varies, and therefore careful consideration is required when examining its legal implications, if any. It is critical for the Commission to strike a prudent balance between pursuing greater legal certainty and avoiding undue limitations on the freedom of States to utilize non-binding documents.

From this standpoint, Japan has reservations about the Commission producing an outcome that is overly prescriptive. For instance, Japan is of the view that guidelines on this topic may not turn out to be particularly helpful for States. In fact, they could potentially create complications. Even if it is not the Commission's intent to categorically apply these guidelines to all non-binding documents, override the expressed intentions of

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the participants of a specific agreement, or recategorize an existing agreement, the risk of these guidelines being misused for such purposes cannot be dismissed. Japan would like to ask for the Commission to remain vigilant in avoiding any undue constraints on the freedom of States to produce and interpret non-binding documents.

Succession of States in respect of State responsibility

Mr. Chair,

Turning to the topic of “Succession of States in respect of State responsibility,” although Japan appreciates the work done on this topic, taking into account the issues and difficulties discussed at the present session, it supports the Commission’s approach to prepare a summary report with a view to concluding the work on the topic at the next session.

Thank you.

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