

Statement by Mr. Shunsuke NAGANO
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The rule of law at the national and international levels (item 84)
17 October 2024
[Check against delivery]

Mr./Madam Chair,

Japan aligns with Austria's statement on behalf of the Group of Friends of the Rule of Law.

We believe that the notion of the rule of law is now shared by the majority of Member States.

As pointed out in the "Pact for the Future," international peace and security, sustainable development and human rights are interdependent, and the rule of law at both the international and national levels continues to be the overarching, fundamental principle that should serve as the foundation of the international community that is becoming more complex and volatile than ever.

What is needed now is to put our commitments in the Pact into action.

First, it is essential not to deny what we have achieved in the past.

Most importantly, we should stick to the contents of the Friendly Relations Declaration adopted in 1970.

This declaration serves as the most important common ground

for our discussion.

Among the principles we agreed on in this declaration, recent events in various parts of the world have drawn our attention to the important principle of the prohibition of acquisition of territory by force.

Attempts to acquire territory by force are unlawful anywhere in the world, and we must promote a common understanding among States on such basic principles of international law.

The more aligned our legal positions become, the more effectively we can thwart attempts by specific States to legitimize their unlawful deeds by arbitrarily interpreting international law.

The role of the UN Sixth Committee and the ILC continue to be important in this context.

I would also like to highlight the role of the ICJ in substantiating norms and principles under international law through its judgements and advisory opinions.

Second, on the basis of common understanding of international law, the UN Member States need to cooperate against serious violations of the UN Charter, in particular, any act of aggression.

Japan believes that Member States have a duty to cooperate as agreed in the 1970 Friendly Relations Declaration.

Member States are obliged to refrain from supporting an act of aggression and to make efforts to stop the aggression within their respective capacities.

Thirdly, without doubt, Member States can enhance the role of the ICJ through active and constructive participation. For instance, at its oral statement during the recent ICJ proceedings regarding the Advisory Opinion on Palestine, Japan elaborated on the acquisition of territory by force, which we believe contributed to the deliberation by the Court in a meaningful way.

Another way to strengthen the role of the ICJ is to reaffirm our commitment to adhere to the decisions of the Court, and implement them accordingly. Currently, only 74 States have made a declaration under Article 36(2) of the ICJ Statute, and we call on Member States who have not yet done so to make this declaration.

Japan has been one of the most ardent supporters of international judicial institutions such as the ICJ, the International Tribunal for the Law of the Sea (ITLOS), and the International Criminal Court (ICC), which are playing an even greater role in the international community. Our contributions of human and financial resources for those institutions will continue.

To promote and uphold the rule of law at both the national and international levels, Japan has been actively engaging with other countries, especially the so-called “Global South.” Last year, we launched “the Tokyo International Law Seminar,” participated in by many government officials from

Asia and Africa, which provides opportunities for learning together with internationally renowned scholars and practitioners in the field of international law.

The second seminar held this year was participated in by more than 30 government officials, and we are looking forward to welcoming more participants in the coming years.

In addition to these efforts in promoting the rule of law at international level, we have also been extending assistance to the development of national legal systems in Asia and Africa. We are proud of our extensive track record in this area and committed to continue our efforts.

Mr./Madam Chair,

In the “Pact for the Future,” world leaders committed “to act in accordance with international law, including the Charter and its purposes and principles, and to fulfill our obligations in good faith.”

Japan will continue to cooperate with fellow Member States towards ensuring the rule of law among nations based on the UN Charter.

Thank you.

(724 words)