



**Statement by Mr. NAKATANI Akihiro  
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at the meeting on THE REPORT OF  
THE INTERNATIONAL LAW COMMISSION ON  
THE WORK OF ITS 76th SESSION  
Cluster I**

**New York, 27 October – 31 October 2025**

Thank you, Mr. / Madam Chair,

At the outset, on behalf of the delegation of Japan, I would like to extend our sincere congratulations on your assumption of the Chair of the Sixth Committee.

Japan also appreciates the leadership of the Chair of the International Law Commission this year, Mr. Mārtiņš Paparinskis, as well as the contributions of all the Special Rapporteurs and the members of the Commission.

Japan firmly believes that the rule of law must be upheld, and in order to ensure that, promoting the progressive development of international law and its codification is essential.

In this regard, it is regrettable that the 76th session of the Commission this year was held in a significantly reduced format due to the liquidity crisis facing the United Nations. As an opportunity to enhance dialogue between the Member States and the Commission, Japan welcomes the Committee's decision regarding the 77th session (2026) and hopes that the necessary resources will be secured, including for the first part of its session in New York.

Before going into specific topics, allow me to address the long-term programme of work of the Commission. During this session, several prominent agenda items were proposed from both practical and academic viewpoints, and Japan recognizes their significance. One of the agenda items, proposed by Professor ASADA Masahiko, aims to provide valuable practical guidance on obligations *erga omnes* in international law. Japan welcomes the proposal as timely for consideration by the Commission, especially given that in recent years the ICJ has been frequently referring to obligations *erga omnes* or *erga omnes partes* in its judgements and advisory opinions. Having the Commission's perspective on this matter will provide practical insights for the Member States.

With regard to climate change, for instance, the ICJ, in its recent Advisory Opinion, acknowledged that “obligations pertaining to the protection of the climate system” are obligations *erga omnes*, highlighting that responsibility for breaches of such obligations may be invoked by any State when such obligations arise under customary international law. Establishing appropriate criteria for identifying these

obligations from a legal perspective and clarifying the legal consequences of breaches would contribute to strengthening the rule of law in the international community while ensuring legal stability and predictability.

Japan also notes that the Commission added two new topics to its programme of work and looks forward to the deliberations on these topics. Japan would like to reiterate our assurance of full support and active contribution to the work of the Commission.

### Sea-level rise in relation to international law

Now, I would like to turn to the topic of sea-level rise in relation to international law. Japan recognizes that the risk of land submersion due to climate change-induced sea-level rise is an urgent issue for the international community. It has been recognized as a serious and imminent problem, not merely a legal matter, particularly for those States that are most affected by the phenomenon.

From 2021 to 2024, the Commission reconstituted the Study Group and considered three subtopics: issues related to the law of the sea, statehood, and the protection of persons affected by sea-level rise.

The Commission, during this year's session, adopted a final report consolidating previous discussions on this issue.

This report, as requested by several States including Japan, addressed the interconnections among the three subtopics and also examined cross-cutting issues such as legal stability and predictability.

The Study Group, in accordance with its mandate to produce a mapping exercise concerning the legal questions raised by sea-level rise and interrelated issues, and to propose recommendations, provides valuable observations for Member States' reference from a legal perspective without requiring modification to existing international law. Japan would like to extend its sincere respect to the members of the working group, especially the co-chairs, for their dedicated contribution.

Regarding issues related to the law of the sea, the Commission stated its view that States are under no obligation to update baselines or the outer limits of maritime zones, established under the United Nations Convention on the Law of the Sea, to account for changes as a result of climate change-related sea-level rise. This is the very position that Japan has officially endorsed, having fully considered the Commission's view and State practices. Japan welcomes the ICJ's recognition on this point in its recent Advisory Opinion.

Japan acknowledges that the continuity of statehood is crucial in facilitating the protection of affected populations, particularly in terms of legal stability, security, and predictability. And given that this issue could have direct relevance to questions of peace and security around the world, it

is essential for the international community to cooperate on preserving the territory and territorial integrity and safeguarding the people of those States affected by sea-level rise. At the same time, regarding the obligations and responsibilities of States in the context of sea-level rise, careful consideration should be undertaken in relevant forums to their legal basis and specific contents in the future.

The elements of legal stability, security and predictability indicated by the Commission represent important directions for the international community in addressing sea-level rise. Their possible consolidation as principles of international law remains a matter entrusted to future State practice and the accumulation of consensus among Member States.

Japan understands that the Study Group encourages the progressive development of international law to address the inherent challenges posed by sea-level rise, through both the interpretation of existing instruments and the development of new legal instruments, and that the final conclusions presented by the Commission during this session are intended to provide guidance for countries' policy decisions from a legal perspective, taking into account the requests of States facing sea-level rise.

Mr. / Madam Chair,

The present international community is different from that in 1982. New challenges have emerged, ranging from the impacts of climate change to intentional damage to undersea

cables. Japan calls for cooperation to address these problems within the framework of UNCLOS.

Japan remains committed to working and discussing with other States toward reaching a consensus on these issues.

### General principles of law

Let me now address the topic of "General Principles of Law." Japan welcomes the progress made on this topic. Our appreciation goes to the members of the Commission, particularly the Special Rapporteur Mr. Marcelo Vázquez-Bermúdez for his untiring contribution.

Japan expects that the Commission's final outcome on the general principles of law as an autonomous source of international law will reflect State consent as a cornerstone of international law and be firmly anchored in State practice.

As stated in draft conclusion 2, recognition by the community of nations is essential for a general principle of law to exist. In this regard, Japan takes note of the discussions concerning the possible relevance of the persistent objector rule. Further research on the matter and clarification in the commentary, including the treatment of persistent objector States in general principles of law, are expected.

With regard to the notion of the second category of general principles of law, namely, general principles of law formed within the international legal system, Japan notes the divergence of views among the members of the Commission and between States regarding the legitimacy of general principles of law occurring without the involvement of national legal systems or State consent. Particularly, when clarifying the existence of such a category may fall within the realm of progressive development of the law, the final outcome of the Commission needs to reflect a broad consensus among States.

On a final note, with regard to clarification on distinction between general principles of law and customary international law, Japan hopes that future discussions within the Commission will achieve further clarification, moving beyond abstract concepts to provide practical direction that contributes to identifying sources of international law by the community of nations.

I thank you, Mr. / Madam Chair.

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