

International Relations

Mizuno Mitsuaki

1. Basic features of International Law

There are no legislative bodies or organs. But all the countries accept, respect and support them.

International Court of Justice can make decisions or make advisory opinions only on the legal issues / problems. It cannot deal with political or historical issues.

2. Difference between International Law and Domestic / National Law

	International Law	Domestic Law
Who can make?	depend on cases (The United Nations General Assembly does not and cannot make international law.)	Parliament (usually National Diet, or Congress)
What can make effective?	depend on cases (The United Nations does not and cannot make it effective.)	Usually administrative organs make it effective.
Is there any compelling power?	Yes. All states have to accept and obey it.	Yes.
Is there any jurisdiction organ?	depend on cases. International Court of Justice make decision only on the legal matters.	Usually there are domestic Courts.
the separation of (the three) powers (of administration, legislation, and judicature)	No.	In most states, there is the separation of powers.

3. Treaty

In international society, treaties can be concluded between or among states. In many cases, international organizations can conclude treaties with states or other international organizations.

Nation State and international community/society:
the Foundation of the United Nations

1)Thirty Years' War(三十年戦争) May 23, 1618-May 15, 1648

Initially a war between various Protestant and Catholic states in the fragmented Holy Roman Empire, it gradually developed into a more general conflict involving most of the great powers in Europe. This war spread almost entire Europe. It was the last major religious war in mainland Europe, ending the large-scale religious bloodshed accompanying the Reformation, which had begun over a century before.

2)Peace of Westphalia(ウエストファリア講和条約) May 15, 1648

The legal foundations of the modern sovereign nation-state.

The peace of Westphalia ended attempts at the imposition of any supranational authority on European states.

The major European powers agreed to abide by the principle of territorial integrity.

The Peace of Westphalia changed the relationship of subjects to their rulers. Previously, many people had borne overlapping, sometimes conflicting political and religious allegiances. Henceforth, the inhabitants of a given state were understood to be subject first and foremost to the laws and edicts of their respective state authority, not to the claims of any other entity, be it religious or secular.

3)World War I July 28, 1914-November 11, 1918

Originally World War I was fought between Allied Powers(連合国) and Central Powers(中央同盟国). Over nine million(900 万) combatants (soldiers) and seven million(700 万) civilians died as a result of the war.

4)Foundation of the League of Nations(国際連盟) January 10, 1920-April 20, 1946

In order to prevent large scale war such as World War I, the League of Nations was founded.

The main reasons why the League of Nations could not prevent large scale war such as World War II:

i)The United States did not join it as it did not hope to commit global armed conflicts beside it (Monroe Doctrine).

ii)Withdrawing of major powers. Japan withdraw in 1933, and Italy withdraw in 1937. The Soviet Union joined in 1934, but was expelled in 1939 as it invaded Finland.

5)Twenty Years of Crisis(危機の二十年) 1919-1939

6)World War II September 1, 1939-September 2, 1945

Originally World War II was fought between Allied countries(連合国) and Axis countries (枢軸国) . Allied countries were called the United Nations (連合国) after the Declaration(連合国共同宣言) on January 1, 1942. Twenty five million(2500 万) combatants (soldiers) and Thirty seven million(3700 万) civilians were killed during this war.

7)Foundation of the United Nations October 24, 1945

In order to prevent large scale wars such as World War I and World War II, the United Nations was founded. Its main and key issue is: how to prevent war or armed conflicts. There are many organs in the United Nations, but the core institution is the Security Council.

For further reading,

E.H. Carr, The Twenty Years' Crisis: 1919-1939: An Introduction to the Study of International Relations, New York: Perennial, 1939.

日本語訳もあります。

E.H.カー著、井上茂訳、『危機の二十年 — 1919-1939』岩波書店、1996年。

それほど難しい英文ではないので、ぜひ英語の原書にチャレンジを！

Further reading:

余力があれば、ぜひ読んでください。国連の理念が凝縮されています。

Declaration by the United Nations(連合国共同宣言), January 1, 1942

A Joint Declaration By The United States Of America, The United Kingdom Of Great Britain And Northern Ireland, The Union Of Soviet Socialist Republics, China, Australia, Belgium, Canada, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, South Africa, Yugoslavia

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of Great Britain dated August 14, 1941, known as the Atlantic Charter (大西洋憲章) ,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

Declare:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact(日独伊三国同盟) and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice(单独講和) or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism (ヒトラー主義 ; ナチスドイツ) .

International Relations

League of Nations

Mizuno Mitsuaki

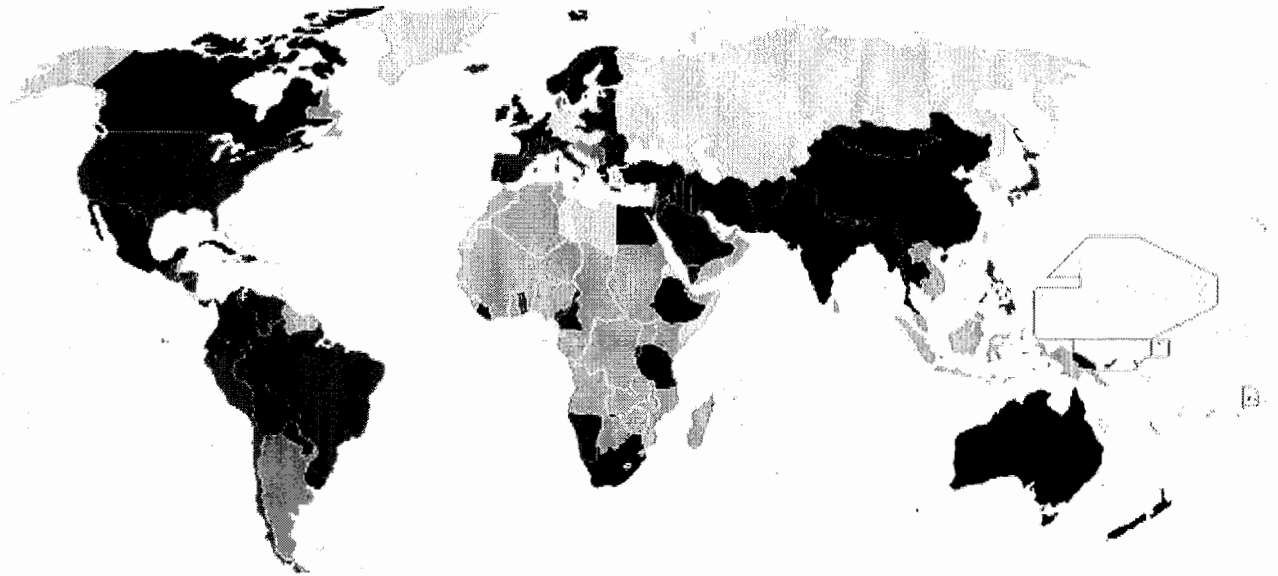
1. Basic facts

Established or founded: January 1, 1920

Dissolved: April 20, 1946

Headquarter: Geneva, Switzerland

Member states, nations:



- | | |
|--|---------------------------------------|
| ● Founding member that stayed until the end | ● League of Nations mandate |
| ▨ Founding member that left and joined again | ● Never members |
| ■ Founding member that left | ▨ Colonies of members |
| ● Joined later and stayed until the end | ▨ Colonies of members that left |
| ● Joined later and left later | ▨ Colonies/territories of non-members |



League
of
Nations

source: Wikipedia

mandate: 委任統治領

colonies: 植民地

2. Basic organizations/organs

Secretariat

Assembly

Council

Permanent Court of International Justice

International Labor Organization

3. Overview

The League of Nations was an intergovernmental organization founded on 10 January 1920 as a result of the Paris Peace Conference (パリ講和会議) that ended the First World War. It was the first international organization whose principal mission was to maintain world peace. Its primary goals, as stated in its Covenant (国際連盟規約), included preventing wars through collective security (集団安全保障) and disarmament and settling international disputes through negotiation and arbitration (仲裁). Other issues in this and related treaties included labor conditions, just treatment of native inhabitants, human and drug trafficking, the arms trade, global health, prisoners of war, and protection of minorities in Europe. At its greatest extent from 28 September 1934 to 23 February 1935, it had 58 members.

After some notable successes and some early failures in the 1920s, the League ultimately proved incapable of preventing aggression by the Axis powers (枢軸国) in the 1930s. The credibility of the organization was weakened by the fact that the United States never officially joined the League and the Soviet Union joined late and only briefly. Germany withdrew from the League, as did Japan, Italy, Spain and others. The onset (勃発) of the Second World War showed that the League had failed its primary purpose, which was to prevent any future world war. The League lasted for 26 years; the United Nations (UN) replaced it after the end of the Second World War and inherited several agencies and organizations founded by the League.

4. Evaluation

League of Nations could not prevent the Second World War. In this meaning, it failed peaceful settlement of international disputes.

As for social and economic issues, it made progressive outcomes.

5. Chronology

1918

8 Jan.

The President of the United States of America, Woodrow Wilson, in his message on the conditions of peace delivered at a Joint Session of the Two Houses of the United States Congress, identifies the « 14 points (14 か条の平和原則) » intended to serve as the basis for world peace. Point 14 says: “A general association of nations should be formed on the basis of covenants designed to create mutual guarantees of the political independence and territorial integrity of States, large and small equally.”

1919

25 Jan.

The plenary session of the Peace Conference accepts the proposals for the creation of a League of Nations.

27 Jan.

Election of a Committee to draft a Covenant (国際連盟規約)

28 Apr.

The Peace Conference unanimously adopts the draft Covenant on the motion of President Wilson of the United States of America

10 June

Sir Eric Drummond presents a memorandum on the working of administrative services.

10 June

The Secretariat is set up in London.

28 June

Signature of the Treaty of Versailles. Part I, Articles 1 to 26 of this and other Peace Treaties contain the Covenant of the League of Nations.

1920

10 Jan.

Entry into force of the Treaty of Versailles (ベルサイユ条約) and of the Covenant of the League of Nations.

16 Jan.

First session of the Council of the League of Nations, Paris.

13 Feb.

The Council accepts the duties entrusted to it with regard to the protection of minorities.

16 June

International Jurists' Committee (国際法律家委員会) meets for the creation of the Permanent Court of International Justice (常設国際司法裁判所).

24 Sept.

International Financial Conference at Brussels.

1 Nov.

The seat of the League of Nations is transferred from London to Geneva.

15 Nov.

First Assembly of the League of Nations convened in Geneva by President Wilson of the United States of America. Forty-one States send representatives.

1 Dec.

The Council approves the appointment of the Permanent Mandates Commission.

13 Dec.

The Assembly approves the draft Statute of the Permanent Court of International Justice.

15 Dec.

Admission of Austria to the League of Nations.

1921

20 Apr. - 10 May

First General Conference on Communications and Transit at Barcelona, Spain.

30 June

International Conference on the Traffic in Women and Children, Geneva.

2 Sept.

The Permanent Court of International Justice comes into force.

1922

22 Jan.

First meeting of the Permanent Court of International Justice.

15 May

Signature of the German-Polish Convention relating to Upper Silesia (上部シレジア) .

18 Sept.

Admission of Hungary to the League of Nations.

25 Sept.

The number of non-permanent Members elected by the Assembly to the Council increases from four to six.

4 Oct.

Signature at Geneva of protocols relating to the financial reconstruction of Austria.

1923

31 Aug.

International Conference on Obscene Publications at Geneva.

1924

14 Mar.

Signature at Geneva of protocols relating to the financial reconstruction of Hungary.

1 Oct.

Resolution of the Assembly opening the Protocol for the Pacific Settlement of International Disputes for signature by the Members

3 Nov.

First Opium Conference (ハーグ国際阿片会議) at Geneva.

24 Dec.

Costa Rica gives notice of withdrawal from the League of Nations.

1925

4-13 Feb.

International Health Conference at Singapore.

1 Mar.

Opening of the Eastern Epidemiological (疫学) Intelligence Centre in Singapore.

4 May

Conference on the Traffic in Arms.

14 Dec.

Transfer of the documents of the Locarno Pact (ロカルノ条約) to the Archives of the League of Nations.

1926

16 Jan.

Inauguration of the International Institute of Intellectual Cooperation at Paris.

12-18 May

Passport Conference.

18 May

First meeting of the Preparatory (予備的) Disarmament Commission at Geneva.

14 June

Brazil gives notice of withdrawal from the League of Nations.

19-21 Aug.

Meeting of Representatives of the Information Bureaux (情報局) .

8 Sept.

Admission of Germany to the League of Nations; Germany made a permanent Member of the Council.

8 Sept.

The number of non-permanent Members elected by the Assembly to the Council increases from six to nine.

8 Sept.

Spain gives notice of withdrawal from the League of Nations.

1927

1 Jan.

Costa Rica ceases to be a Member of the League of Nations.

4-23 May

First International Economic Conference at Geneva.

24-29 Aug.

International Conference of Press Experts.

1928

22 Mar.

The Spanish Government announces that it will continue to collaborate in the work of the League of Nations.



30 May

Inauguration of the International Institute for the Unification of Private Law (国際私法) , Rome.

13 June

Brazil ceases to be a Member of the League of Nations.

5 Sept.

Inauguration of the International Educational Cinematographic Institute, Rome.

26 Sept.

The eighteenth Assembly adopts the General Act for the Pacific Settlement of International Disputes.

1929

16 Aug.

The General Act for the Pacific Settlement of International Disputes comes into force.

4-13 Sept.

Conference for the Revision of the Statute of the Permanent Court of International Justice.

1930

13 May-7 June

International Conference for the Unification of Laws relating to Bills of Exchange, Promissory Notes and Cheques.

23 Sept.

First Session of the Commission of Enquiry for European Union.

30 Sept.

Creation of the Nansen International Office for Refugees.

1931

24 Jan.

The Council decides to convene the Conference for the Reduction and Limitation of Armaments.

16-30 Mar.

European Conference for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs.

26 Sept.

The Assembly adopts a General Convention to improve the Means of Preventing War.

9-27 Nov.

Conference for the Suppression of Opium-Smoking at Bangkok.

1932

11-14 Jan.

Conference of Government Press Bureaux and Representatives of the Press at Copenhagen.

2 Feb.

Two-year Conference for the Reduction and Limitation of Armaments opens at Geneva.

2 Feb.

Opening of the League of Nations Wireless Station.

4 Sept.

Signature of the Lytton Report (リットン調査団報告書), Peiping (北平) (now Beijing).

14 Sept.

Germany notifies the President of the Conference for the Reduction and Limitation of Armaments of its decision to withdraw from the Conference.

3 Oct.

Admission of Iraq to the League of Nations.

11 Dec.

Agreement between France, Germany, Italy, the United Kingdom, and the United States of America on the question of Equality of Rights and Security.

1933

27 Mar.

Japan gives notice of withdrawal from the League of Nations.

(日本が国際連盟から脱退を宣言)

12 June

International Monetary and Economic Conference at London.

29 June

Adjournment of the work of the Conference for the Reduction and Limitation of Armaments.

26 Sept.

The Government of the Argentine Republic notifies the Secretary-General that its Parliament has approved the Covenant of the League of Nations.

2 Oct.

The Assembly provisionally raises the number of non-permanent Members of the Council (非常任理事国) from nine to ten.

14 Oct.

Germany withdraws from the Conference for the Reduction and Limitation of Armaments.

21 Oct.

Germany gives notice of withdrawal from the League of Nations.

9 Nov.

Conference of Government Press Bureaux and Representatives of the Press at Madrid.

1934

29 May

Meeting of the General Commission of the Conference for the Reduction and Limitation of Armaments.

22 June

Resolution adopted by the International Labor Conference inviting the Government of the United States of America to accede to the International Labor Organization (ILO).

20 Aug.

Acceptance by the President of the United States of America of the Resolution to accede to the ILO.

18 Sept.

Admission of the Union of Soviet Socialist Republics to the League of Nations. The Assembly approves the Council's proposal that the Soviet Union should be made a permanent Member.

(ソ連が国際連盟に加盟)

28 Sept.

Ecuador, one of the original Members of the League of Nations and named in the Annex of the Covenant, accedes to the Covenant.

1935

13 Jan.

Plebiscite held in the Saar Territory (ザール盆地地域) .

17 Jan.

Based on the result of the Plebiscite, the Council decides that the Saar Territory should be united with Germany (rather than with France).

(住民投票の結果、ザール盆地地域がドイツに復帰)

29 Jan.

The Senate of the United States refuses to ratify the accession of the United

States of America to the Permanent Court of International Justice.

23 Feb.

Paraguay gives notice of withdrawal from the League of Nations.

1 Mar.

Germany takes over the Government of the Saar Territory.

15 Mar.

Registration by the Secretariat of the Agreement under which the United States of America acceded to the ILO.

27 Mar.

Japan ceases to be a Member of the League of Nations.

(日本、国際連盟から正式に脱退)

21 Oct.

Germany ceases to be a Member of the League of Nations.

1936

17-22 Feb.

The Secretariat moves into the new League of Nations buildings in Geneva.

8 Mar.

Germany denounces the Locarno Pact (ロカルノ条約).

9 May

Italy proclaims sovereignty over Ethiopia.

26 May

Guatemala gives notice of withdrawal from the League of Nations.

27 June

Nicaragua gives notice of withdrawal from the League of Nations.

4 July

The Assembly recommends that the Council should invite Governments to send in proposals for improving the application of the Principles of the Covenant.

4 July

The Assembly recommends that the Co-ordination Committee should propose to Governments the termination of sanctions.

10 July

Honduras gives notice of withdrawal from the League of Nations.

9 Sept.

Meeting between J.A. Avenol (ジョセフ・ルイ・アン・アヴェノル) , Secretary-General, and Benito Mussolini, Rome.

17-23 Sept.

Inter-Governmental Conference for the Conclusion of an International Convention Concerning the Use of Broadcasting in the Cause of Peace.

2 Oct.

The Council increases the number of its non-permanent Members from 10 to 11 for a period of three years.

10 Oct.

The Assembly appoints a Committee of 28 to study the Application of Principles of the Covenant.

14-16 Dec.

First Session of the Committee on the Application of Principles of the Covenant.

1937

26 Jan.

Brazil renews her acceptance of the Optional Clause (選択条項) of the Protocol of the Permanent Court of International Justice and ratifies the Protocol concerning the revision of the Statute of the Court.

2-15 Feb.

Conference of Central Authorities of Eastern Countries on the Traffic of Women and Children, Bandung, Java.

23 Feb.

Expiration of Paraguay's notice of withdrawal from the League of Nations.

4 Mar.

The Egyptian Government applies for admission to the League of Nations.

22 Apr.

The Bangkok Agreement on Opium-Smoking comes into force.

26-27 May

Extraordinary Session of the Assembly; admission of Egypt to the League of Nations.

28 May

The Council approves the reorganization of the Health and Financial Committees.

15 June

The British Imperial Conference expresses the hope that the Covenant of the League of Nations might be separated from the Peace Treaties.

5-9 July

Second General Conference of National Committees on Intellectual Cooperation, Paris.

8 July

Signature by Afghanistan, Iran, Iraq and Turkey of a Treaty of Non-Aggression and Protocol establishing an understanding between the Near Eastern countries (中近東) .

15 July

Expiration of the German-Polish Convention relating to Upper Silesia.

26 July

Salvador gives notice of withdrawal from the League of Nations.

12-29 Aug.

The Secretary-General visits Lithuania, Latvia, Estonia and Finland.

10-11 Sept.

Special Committee on the Application of Principles of the Covenant.

16 Sept.

The Council decides not to continue consideration of the question of calendar reform (改曆) .

30 Sept.

The Term of Office of the Commission of Enquiry for European Union is renewed for one year.

1 Oct.

Meeting of the Commission of Enquiry for European Union.

5 Oct.

The Council adjourns the Convocation of the Bureau of the Disarmament Conference.

14 Oct.

Nicaragua complains to the League of Nations about the treatment of Nicaraguans living in Honduras.

11 Dec.

Italy gives notice of withdrawal from the League of Nations.

14 Dec.

Italy leaves the International Labor Office.

1938

21 Jan.

Statement by the Swiss Federal Council concerning the neutrality of the Swiss Confederation.

28 Jan.

The Council decides in favor of the League of Nations' participation in the 1939 New York World Fair.

29 Jan.

Adoption of a new statute for the Communications and Transit Organization.

7-10 Feb.

Conclusion by Diplomatic Conference (President: J. Loudon, The Netherlands) of a Convention concerning the Status of Refugees coming from Germany. The Convention is signed by the representatives of seven States.

18 Mar.

The German Government communicates to the Secretary-General the text of a Law, dated 13 March, providing for the inclusion of Austria in Germany.

19 Mar.

Departure of a mission of the League of Nations Secretariat for Latin America.

21 Mar

Declaration by the Swiss Federal Council concerning the neutrality and independence of the Swiss Confederation.

9 Apr.

The British Government requests that the question of the consequences arising from the existing situation in Ethiopia be placed on the agenda of the next meeting of the Council.

29 Apr.

Memorandum by the Swiss Federal Council on Swiss neutrality.

14 May

The Council takes note of the intention of the Swiss Government not to take part in the application of sanctions in future, and declares that Switzerland will not be invited to do so.

14 May

The Council refers a request by the Chilean Government to the Assembly that the reform of the Covenant should be treated as urgent.

25 May

The withdrawal of Guatemala from the League of Nations takes effect.

2 June

Chile gives notice of withdrawal from the League of Nations.

4 June

J.G. Winant from the United States of America is appointed Director of the International Labor Office.

29 June

The Electoral Commission, having stopped the registration of electors, leaves the Sanjak of Alexandretta (シリアの一部) and informs the Council that circumstances have prevented it from pursuing its work.

10 July

The withdrawal of Honduras from the League of Nations takes effect.

12 July

Venezuela gives notice of withdrawal from the League of Nations.

21 Sept.

The Dominican Republic, Greece and Yugoslavia are elected non-permanent Members of the Council.

22 Sept.

The Assembly expresses its appreciation of the action of the mediating States in the restoration of peace in the Chaco and of the part played by S. Lamas and M.C. Cantilo. (チャコ平和会議；ボリビアとパラグアイの境界地帯)

30 Sept.

The Council postpones the meeting of the Bureau of the Disarmament Conference.

14 Oct.

Meeting at Perpignan (ペルピニャン；フランス南部) , France, of the Commission instructed to verify "on the spot" the measures taken by the Spanish Government for the withdrawal of non-Spanish combatants.

27-29 Oct.

Meeting of the Permanent Committee on Arts and Letters (Chairman: P. Valéry, France), Nice, France.

2 Nov.

Japan discontinues her cooperation with the technical organs of the League of Nations.

17 Nov.

The Nobel Peace Prize is awarded to the Nansen International Office for Refugees.

3 Dec.

Signature at Paris of an International Act giving to the International Institute of Intellectual Cooperation the character of an organization founded on collective agreements.

1946

18 Apr.

The League of Nations transfers all its assets to the United Nations. Contract signed by Wlodzimierz Moderow, representative of the United

Nations, and Sean Lester, the last Secretary-General of the League of Nations.

(国際連盟の全資産が、国際連合に移管される)

source:

[https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/3DA94AAFEB9E8E76C1256F340047BB52/\\$file/sdn_chronology.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/3DA94AAFEB9E8E76C1256F340047BB52/$file/sdn_chronology.pdf)

International Relations
Main organs of the United Nations
United Nations Security Council

Mizuno Mitsuaki

1. The United Nations Security Council

The United Nations Security Council (UNSC) is one of the six principal organs of the United Nations and is charged with the maintenance of international peace and security as well as accepting new members to the United Nations and approving any changes to its United Nations Charter.

2. Principle Organs of the UN

a) The United Nations General Assembly: Deliberative assembly of all UN member states

main functions:

May resolve non-compulsory recommendations to states or suggestions to the Security Council (UNSC);

Decides on the admission of new members, following proposal by the UNSC;

Adopts the budget

b) UN Secretariat: Administrative organ of the UN

main functions:

Supports the other UN bodies administratively (for example, in the organization of conferences, the writing of reports and studies and the preparation of the budget);

Its chairperson – the UN Secretary General – is elected by the General Assembly for a five-year mandate and is the UN's foremost representative.

c) International Court of Justice: Universal court for international law

main functions:

Decides disputes between states that recognize its jurisdiction;

Issues legal opinions (called Advisory Opinion)

Renders judgement by relative majority. Its fifteen judges are elected by the UN General Assembly for nine-year terms.

d) UN Security Council: For international security issues

main functions:

Responsible for the maintenance of international peace and security;

May adopt compulsory resolutions:

Has fifteen members: five permanent members with veto power and ten elected members.

e) UN Economic and Social Council: For global economical and social affairs
main functions:

Responsible for co-operation between states as regards economic and social matters;

Co-ordinates co-operation between the UN's numerous specialized agencies;

Has 54 members, elected by the General Assembly to serve staggered three-year mandates.

f) UN Trusteeship Council: For administering trust territories
main function:

Was originally designed to manage colonial possessions that were former League of Nations mandates.

3. Two categories of members of the UNSC

There are two categories of the member of the UNSC. One is Permanent member, and the other is non-Permanent member. The United States, Russia, France, Great Britain, China are Permanent members. They were members of the United Nations during World War II. Axis powers, for example, Japan and Germany is not and can not be permanent members. Non-Permanent members are elected by the General Assembly for two-year terms starting on 1 January, with five replaced each year.

Non-permanent members(with end of term date): Côte d'Ivoire(2019), Equatorial Guinea(2019), Ethiopia(2018), Kuwait(2019), Kazakhstan(2018), Peru(2019), Bolivia(2018), Sweden(2018), the Netherlands(2018) and Poland(2019)

The charter of the UN:

Article 27

Each member of the Security Council shall have one vote.

Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members

4. Responsibility or Duty of the member states

The charter of the UN

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

As a member of the UN, Japan has to accept and carry out the decisions of the UNSC.

5. Issue

If the decision of the UNSC is against the (domestic or national) Constitution, what should we do? Can or should we ignore it?

6. Peace Keeping activities or operations of the UN

Peacekeepers monitor and observe peace processes in post-conflict areas and assist ex-combatants in implementing the peace agreements they may have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. In some cases, there are dangerous activities during their operations.

7. UNDOF and Japan

The United Nations Disengagement Observer Force (UNDOF) was established by United Nations Security Council Resolution 350 on 31 May 1974. Japan has joined it since 1996, but withdrew in 2013 because of the deteriorating security situation in its operational area. Japan has withdrawn from it due to the security situation. Besides Japan, Austria withdrew from it in 2013. But international society or any nations did not criticize Japan and Austria.

8. Responsibility and a member of UNSC

As a responsible member of the UN, we have to carry out the decisions by the UNSC and have to join its peace keeping activities. In some cases, there may be dangerous operations due to their security environments. If we feel there are dangerous elements, we can withdraw from it. UNDOF case is one of them.

9. UNMISS and Japan

The United Nations Mission in South Sudan (UNMISS; 国際連合南スーダン派遣団) is the newest United Nations peacekeeping mission for the recently independent Republic of South Sudan, which became independent on 9 July 2011. UNMISS was established on 8 July 2011 by United Nations Security Council Resolution 1996 (2011).

The stated UNMISS Mandate includes:

a) Support for peace consolidation and thereby fostering longer-term state building and

economic development

- b) Support the Government of the Republic of South Sudan in exercising its responsibilities for conflict prevention, mitigation and resolution and protect civilians
- c) Support the government of the Republic of South Sudan in developing its capacity to provide security, to establish rule of law, and to strengthen the security and justice sectors

As per Chapter VII of the United Nations Charter, the peacekeeping mission is concerned with the protection of civilians, and thus is not mandated to engage in protection of South Sudan's territory or the sovereignty of that territory.

The contributors of troops are Australia, Bangladesh, Belarus, Benin, Bolivia, Brazil, Cambodia, Canada, China, Denmark, Egypt, El Salvador, Fiji, Germany, Ghana, Guatemala, Guinea, India, Indonesia, Japan, Jordan, Kenya, Kyrgyzstan, Mali, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Paraguay, Peru, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Sri Lanka, Sweden, Switzerland, Timor-Leste, Togo, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, Vietnam, Yemen, Zambia and Zimbabwe.

Police have been contributed by Albania, Argentina, Bangladesh, Bosnia and Herzegovina, Brazil, Canada, China, El Salvador, Ethiopia, Fiji, Finland, Gambia, Germany, Ghana, India, Kenya, Kyrgyzstan, Malaysia, Namibia, Nepal, Netherlands, Nigeria, Norway, Philippines, Russian Federation, Rwanda, Samoa, Senegal, Sierra Leone, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Uganda, Ukraine, United States, Zambia and Zimbabwe.

10. Issue

Some newspapers in Japan have reported that under the new laws relating to the collective self-defense, the troops of Japan's Self-Defense Forces joining UNMISS will may help and rescue other countries' troops if they are attacked (rush and rescue mission; 駆けつけ警護). If Japan will do so, is this against the Japan's Constitution, especially Article 9? Or should Japan ignore them and escape from the land where other countries' troops are attacked and even seeking support from Japan?

International Relations International Court of Justice

Mizuno Mitsuaki

The United Nations has its own jurisdictional organization, such as International Courts of Justice, ICJ.

Basic features of the ICJ:

1.Membership (当事者適格)

Only states may be parties in cases before the Court. (Article 34, Statute of ICJ)

Any persons or organizations, such as Non-Governmental Organizations, or Non-Profitable Organizations, can not be parties of the ICJ.

All Members of the United Nations are parties of the ICJ. (Article 93, the Charter of the United Nations) The members of the UN can not leave the ICJ.

2.Jurisdiction (管轄権)

Compulsory Jurisdiction (強制管轄権) , Reservation (留保) , Jurisdiction by Appearance (応訴管轄)

Each Member of the United Nations undertakes to comply with the decision of the ICJ (Article 94, the Charter of the United Nations). In some cases, some member countries have reservations whether the ICJ has jurisdiction on the cases or not. (cf. Domestic court)

Once the member accepts and recognizes the jurisdiction of the ICJ, it has to accept any decisions of the ICJ.

In Takeshima Island case, Japan has proposed to Korea that the Takeshima case should to be judged by the ICJ at least 3 times (1954, 1962 and 2012). Korea does not accept the Japan's proposal. The ICJ can not make decision on this case. In Takeshima Island case, Japan has accepted the jurisdiction of ICJ, but Korea has not accepted it.

3.Decision (判決)

Once the parties concerned accept the jurisdiction of the ICJ, they shall obey the decision of the ICJ, even if the decision is against its national interest.

The decision of the Court has no binding force except between the parties

and in respect of that particular case. (Article 59, Statute of ICJ)

4. Appeal (上訴)

There is no appeal system. The judgment is final and without appeal. (Article 60, Statute of ICJ)

5. Advisory Opinion (勸告的意見)

The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question. (Article 96, the Charter of the United Nations)

As for historical or political questions or issues, the ICJ can not give advisory opinions.

6. Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, 1996 (核兵器の威嚇または使用の合法性についての勸告的意見)

An advisory opinion on this issue was originally requested by the World Health Organization (WHO) on 3 September 1993:

In view of the health and environmental effects, would the use of nuclear weapons by a state in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?

On 15 December 1994 the UN General Assembly adopted resolution A/RES/49/75K. This asked the ICJ urgently to render its advisory opinion on the following question:

Is the threat or use of nuclear weapons in any circumstances permitted under international law?

In 1996, the ICJ gives its advisory opinion as follows:

a) There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons.

核兵器の威嚇または使用を特段認可する国際慣習法や条約法は存在しない。

b) There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear

weapons as such.

核兵器の威嚇または使用を包括的かつ普遍的に禁止する国際慣習法や条約法も存在しない。

c) A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful.

国連憲章第2条4項に違反し、かつ同第51条の要件を満たさない、核兵器を用いた武力による威嚇・武力の行使は違法である。

d) A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons.

核兵器の威嚇または使用は武力紛争に適用される国際法の要件、特に国際人道法上の原則・規則や、明示的に核兵器を取り扱う条約、その他の国際約束の下での義務に適合するものでなければならない。

e) The threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law; However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.

核兵器の威嚇または使用は武力紛争に適用される国際法の規則、特に国際人道法上の原則・規則に一般的には違反するであろう。しかし、国際法の現状や裁判所が確認した事実に照らすと、国家の存亡そのものが危険にさらされるような、自衛の極端な状況 (extreme circumstance of self-defence) における、核兵器の威嚇または使用が合法であるか違法であるかについて裁判所は最終的な結論を下すことができない。

f) There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects

under strict and effective international control.

厳格かつ実効的な国際管理のもとで、全面的な核軍縮に向けた交渉を誠実に
行い、その交渉を完結させる義務がある。

Issue to be discussed:

What is the 'extreme circumstance of self-defense'?

The Charter of the United Nations

CHAPTER XIV: THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

国際司法裁判所は、国際連合の主要な司法機関である。この裁判所は、付属の規程に従って任務を行う。この規定は、常設国際司法裁判所規程を基礎とし、且つ、この憲章と不可分の一体をなす。

Article 93

All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

すべての国際連合加盟国は、当然に、国際司法裁判所規程の当事国となる。国際連合加盟国でない国は、安全保障理事会の勧告に基づいて総会が各場合に決定する条件で国際司法裁判所規程の当事国となることができる。

Article 94

Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

各国際連合加盟国は、自国が当事者であるいかなる事件においても、国際司法裁判所の裁判に従うことを約束する。

事件の一方の当事者が裁判所の与える判決に基づいて自国が負う義務を履行しないときは、他方の当事者は、安全保障理事会に訴えることができる。理事会は、必要と認めるときは、判決を執行するために勧告をし、又はとるべき措置を決

定することができる。

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

この憲章のいかなる規定も、国際連合加盟国が相互間の紛争の解決を既に存在し又は将来締結する協定によって他の裁判所に付託することを妨げるものではない。

Article 96

a. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

b. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

総会又は安全保障理事会は、いかなる法律問題についても勧告的意見を与えるように国際司法裁判所に要請することができる。

国際連合のその他の機関及び専門機関でいずれかの時に総会の許可を得るものは、また、その活動の範囲内において生ずる法律問題について裁判所の勧告的意見を要請することができる。