



September 2006

JAPAN

1. What is the title, rank and position of the Legal Adviser?

The post of the legal advisor is not envisaged in the structure of the Ministry of Foreign Affairs (hereinafter referred to as "MOFA") as such. All international legal matters, however, are dealt with by MOFA's International Legal Affairs Bureau headed by the Director General. (The Ministry of Foreign Affairs conducted its organizational reform on August 1st, 2004 and the Treaties Bureau was reorganized into the International Legal Affairs Bureau (hereinafter referred to as "ILAB").)

2. What are the principal functions of the OLA?

The principal functions of the ILAB are policy making on international law, the conclusion of international agreements, the interpretation and implementation of treaties and customary international law, and the matters concerning relevant international fora, including the ICJ, the PCA, the ILC and the AALCO.

At the divisional level, the Legal Affairs Division dealing with the customary international law was reorganized into the International Legal Affairs Division in charge of overall coordination with in the ILAB and strategic planning on various issues related to international law, including examination of legal aspects of various important diplomatic issues and policy – planning on the future development of international law.

In order to integrate knowledge on each area, the multilateral/bilateral-based divisional system, in which the Treaties Division had been responsible for bilateral treaties and the International Agreements Division for multilateral, was transformed into the specialty-field based system with the latter division reorganized into the Economic and Social Treaties Division. *And on August 1st, this Division was divided into two ; Economic Treaties Division and Social Treaties Division.*

Furthermore, Counsel for International Legal Affairs was established in order to participate in the general international law making process proactively and to improve in-house legal service.

Counsel for Treaties Negotiation was established in order to participate in treaty negotiations proactively and to strengthen the ministry's capability to conclude treaties.

3. Please give a brief description of staff employed by the OLA, including overseas staff.

Currently, there are more than 70 staff working at the ILAB. Except for such missions as the permanent mission to the United Nations, there are few legal advisers in the Japanese missions overseas. However, all Embassies and Consulates deal with consular and other legal affairs on a daily basis, and consult with the ILAB if necessary.

4. Briefly describe the organization and structure of the OLA.

See the reply to question 1. and 2.

5. What is the OLA's place within the Ministry of Foreign Affairs?

The ILAB is one of eleven Bureaus within the MOFA. (See also the reply to question 1. and 2.)

6. What are the main contacts of the OLA within Government?

The ILAB is the principal organization within the Government for issues on international law, including the customary international law, treaties and other international agreements. Therefore, the ILAB advises and consults with other Ministries when they have to deal with these issues.

7. Please describe the relations of the OLA with lawyers in private practice, academics and legal institutions.

The ILAB frequently contacts with legal experts including lawyers, academics and legal institution staff both in Japan and overseas. In addition, the ILAB employs some private lawyers as government officials for a fixed period of time.

8. Please provide a brief bibliography on the OLA, if available.

See the following website addresses:
<http://www.mofa.go.jp/about/hq/chart.html>
<http://www.mofa.go.jp/about/hq/org.html>