CHAPTER EIGHT

JAPAN’S EFFORTS IN UNITED NATIONS PEACEKEEPING OPERATIONS: FROM THE PERSPECTIVES OF INTERNATIONAL LAW AND FOREIGN POLICY-MAKING

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I. INTERNATIONAL LAW IN DIPLOMACY AND FOREIGN POLICY-MAKING

Since the eighteenth century, the term “diplomacy” has been used with a technical and special meaning, indicating for example, “the art of managing the intercourse and adjusting the relations between states by negotiations”¹ or “la science et l’art de la représentation des États, et des négociations.”² Today, “foreign policy,” a more widely used term in academic discourse, frequently involves goals, strategies, measures, methods, guidelines, directives, understandings, and agreements by which national governments conduct international relations with one another and with other international and non-governmental organizations.³ Further, “foreign policy-making,” a related term, is concerned primarily with a means-end way of considering the goals and actions of the

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¹ Edmund A. Walsh, The History and Nature of International Relations 1 (1922).
government. While it could be suggested that international law may frequently have a limited influence on inter-state relations, in the growth of the so-called “legalization of world politics,” namely the legalization of global environmental protection, international economic relations, and so forth, the role and function of international law has greatly increased. In addition, in Japan, it is said that the Treaties Bureau of the Ministry of Foreign Affairs (currently the Bureau of International Legal Affairs), which functions as treaty drafter and interpreter of international law, has exerted a strong influence over its diplomatic policy.

This chapter deals with Japan’s efforts in United Nations (UN) peacekeeping operations. After the Gulf Crisis of 1990–1991, Japan has come to recognize the need to contribute actively, while being within its constitutional framework, to UN peacekeeping operations. As will be mentioned below, UN peacekeeping operations are peculiar international systems developed within the framework of the UN Charter, and Japan’s efforts towards and contributions to peacekeeping operations can be considered as a unique legal process and development involving some elements of foreign policy-making. Japan has created a legal framework that enables it to participate in UN peacekeeping operations and other international activities. The compatibility between the domestic framework and the practice of UN peacekeeping operations is one of the issues highlighted in this chapter.

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4 Jackson & Sørensen, supra note 3, at 226. On the essentials of foreign policy-making, see Graham Allison & Philip Zelikow, Essence of Decision: Explaining the Cuban Missile Crisis (2d ed. 1999).


6 See, e.g., Legalization of World Politics (Judith L. Goldstein et al. eds., 2001).


9 This paper does not deal with issues directly concerning Article 9 of the Japanese Constitution. On this subject, see Toshiya Ueki, 9 Jō to Anzenhōshō Taisei: Kokusaihōgaku no Shiten kara [Article 9 and Security System: From the Perspective of the Science of International Law], 1260 Jurisuto 82 (2004); Yoshiro Matsui, United Nations’ Activities for Peace and the Constitution of Japan, in Trilateral Perspectives on International Legal Issues: Relevance of Domestic Law and Policy 495 (Michael K. Young & Yuji Iwasawa eds., 1996).