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## **Japan's United Nations Policy Through the Lens of Human Rights Diplomacy:**

The Role of Human Rights Norms and  
the Shifting Status of Multilateralism

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## Introduction

Japan engages in the most active human rights diplomacy in Asia. In the wake of the Russian invasion of Ukraine, the Japanese government accepted several thousand Ukrainian refugees into the country's borders. Mention of the importance of human rights, democracy, the rule of law, and other liberal values has become a nearly constant presence in diplomatic papers and statements. Even a Japanese version of the Magnitsky Law, which would allow Japan to sanction parties deemed guilty of human rights abuses overseas, is being discussed in a parliamentary caucus reaching across political party lines. Such moves comprise a new trend within the post-Cold War order, growing particularly conspicuous upon entering the 21st century, signaling that Japanese human rights diplomacy is in a transitional period.

What particular route has Japan traveled to arrive at the current point in its human rights diplomacy, along with the nature of the themes emerging within this shift? This article analyzes the roles of human rights norms in the vicissitudes of Japan's human rights diplomacy, focusing primarily on the status of human rights diplomacy being advanced at the United Nations (UN).

## Developments to date

### (1) From regulative norms to constitutive norms

Japanese diplomacy in the post-World War II era has been understood as a reflection of core values such as pacifism, anti-militarism, and anti-traditionalism. This tendency has been explained as the result of the acceptance and internalization by Japanese public opinion of the spirit of the Constitution of Japan, which was originally enacted in 1946 with the aim of preventing any remilitarization of Japan. The quest for peace and anti-militarism was born out of the country's experience of the trampling of human life, dignity, and freedom in the ravages of war. In other words, the norms of peace and anti-militarism embraced the norms of human rights. Against this backdrop, the former Japan Socialist Party, labor unions, and progressive intellectuals, as well as the general public demanded moves toward unarmed neutrality, along with rejection of institutions such as the Japan Self-Defense Forces (SDF) and the US-Japan Alliance.

This was an earnest debate aimed at reconsidering the approach to foreign policy rooted in awareness of Japan's responsibilities. However, rather than exploring the positive role on the part of the Japanese people crucial in helping bring about international peace, the discussions tended to focus on how to constrain the Japanese government's

external actions. As a result, Japan's pacificism and anti-militarism did not necessarily function as forces serving to complement human rights as universal values. These norms evolved as "regulative norms" that function in the capacity of self-regulation, as framed by Peter Katzenstein, a prominent political scientist at Cornell University.

This fact appears in the discourse on human rights seen in the context of diplomacy. One example is the diplomatic speeches by Japan's foreign ministers in the National Diet. From the 1950s through the 1960s, "human rights" was not mentioned in this legislative body. The first time the term appeared in the Diet was during a speech in January 1975 by Kiichi Miyazawa, Foreign Minister in the cabinet of Prime Minister Takeo Miki. However, the remarks were mere mentions of human rights as a value shared in common by Japan and the United States. Subsequently, with the sole exception of Foreign Minister Sunao Sonoda (serving in the cabinet of Prime Minister Takeo Fukuda) who addressed the Diet in September 1978 and called for approval of the International Covenants on Human Rights, the term "human rights" did not appear in such speeches or statements.

The first mention in the Japanese Diet of the need for human rights protection in the international community was made in January 1988, during a speech delivered by Foreign Minister Sosuke Uno in the cabinet of Prime Minister Noboru

Takehito. In this speech, Uno touched upon the importance of solving human rights issues, and expressed the intention to work through the UN, US-Japan relations, and other capacities to protect human rights. Behind these words was a sense of self-esteem in Japan, which had emerged as an economic superpower. Other factors included the momentum toward liberalization in Asia, such as the democratization of countries such as the Philippines and South Korea, the peace movement in Cambodia, and China's reform and opening-up. Almost all subsequent inaugural speeches of foreign ministers have included references to human rights. This stance was particularly articulated in January 1997 by Yukihiko Ikeda, Foreign Minister in the cabinet of Prime Minister Ryutaro Hashimoto, who declared that "Japan will also move to play a vigorous role in the protection of human rights."

Bhubhindar Singh, a political scientist at Nanyang Technological University in Singapore, has described the transformation in Japan's security policy as a shift from a "peace state" to an "international state." To rephrase this transition, since the end of the 1980s, human rights norms have been driven by Japan's ascendancy as an economic superpower and the wave of liberalization in Asia. Within Japanese diplomacy, human rights gained the status of "constitutive norms," in addition to "regulative norms."

## (2) Human rights within Japan's United Nations policy

Nevertheless, the actual status of Japan's human rights diplomacy, especially in the application of such diplomacy in the country's UN policy, was conducted in what can only be described as a limited capacity. Indeed, there have been few instances in which the Japanese government engaged in vigorous human rights diplomacy at the UN. An exception has been Japan's criticism of North Korea for its abductions of persons from other countries, with proposals of resolutions to the UN Human Rights Council calling for the early return of these victims submitted every year since the latter half of the 2000s. This stance, however, is hardly limited to efforts to improve the human rights conditions in other countries. Rather, it consists of demands for improvements in the human rights status of Japanese abductees by North Korea. As such, the principal motive of these demands lay in the promotion of Japan's own national interests.

Japan also expanded its backing for the Office of the UN High Commissioner for Refugees (UNHCR), as well as support for Sadako Ogata, who led the UNHCR. A large amount of funding was channeled to the UNHCR, and Japan became one of the major financial sponsors. On the other hand, Japan has done little to expand the acceptance of refugees within its own borders. Compared to other developed democracies, which have accepted refugees recognized

under the Convention Relating to the Status of Refugees at a rate of tens of thousands of individuals per year, the number of such refugees allowed to enter Japan has largely been limited to double-digits on an annual basis.

Meanwhile, the Japanese government has also made efforts to promote the concept of human security at the UN. Based on proposals from Japan, the Trust Fund for Human Security, the Commission on Human Security, and the Friends of Human Security forum were successively established at the UN. The Commission on Human Security, co-chaired by Sadako Ogata and Indian economist and philosopher Amartya Sen, issued its final report in 2003. The concept of human security promoted by the Japanese government has placed its focus on "freedom from want," thereby stressing the importance of poverty reduction, improved health and hygiene, and other causes. There is the understanding, furthermore, that the key emphasis is not placed on either so-called "freedom from fear" or the "rights-based rule of law" as classified by Fen Hampson, a political scientist at Carlton University. Consequently, the human rights stance promoted by the Japanese government effectively consists of the right to life and social rights, instead of civil liberties.

Moreover, with Japan's enactment of the International Peace Cooperation Law in 1992, Japan has expanded its participation in UN Peacekeeping

Operations (PKO). In the early 1990s, a steady stream of 2nd-generation PKO efforts were launched. In addition to ceasefire monitoring and disarmament operations, the function of support for nation building was also incorporated into the PKO framework. Within the UN PKO, Japan worked through support of elections and other means to assist in establishment of democratic political systems capable of safeguarding human rights. Nevertheless, public opinion was opposed to foreign engagement from the perspective of anti-militaristic norms (especially accompanying dispatches of the SDF), leaving no choice but to limit the role of Japan in such areas. In addition, Japan is known to be strong in the economic field, but not in the human rights field. Thus, the international expectation for Japan was also for it to play a leading role in economic assistance.

In sum, human rights protection in Japan's UN policies has been traditionally and conspicuously weak in content, with this also extending to prominent limitations in terms of practical support as universalism. One reason for this outcome is that while human rights norms began to exhibit a role as constitutive norms, at least one phase of the motivation behind that change was found in the national interest of achieving recognition as a global power. This produced a weakening of the power needed to truly promote universal values. Secondly, pacifism as a regulative norm acted to suppress

Japan's external initiatives, with the fact that this led to discussions stressing the importance of the principle of non-interference in domestic affairs also functioning as one contributing factor to the weakness.

### Current status and issues

While human rights diplomacy, as seen in Japan's UN policies, was subject to the restrictions of regulative norms, changes began in the 2010s. Human rights diplomacy became even more vigorous than before. Furthermore, there was a shift away from the UN as the primary stage for human rights diplomacy in favor of other multilateral frameworks.

#### (1) Activation of human rights diplomacy

Japan began seriously attuned to human rights situations in other countries, which embodied a major transformation. The first such shift included the "Arc of Freedom and Prosperity" of the first Cabinet of Prime Minister Shinzo Abe (2006–07), the values-based diplomacy of the second Abe administration in 2012, and the "Free and Open Indo-Pacific (FOIP)" concept. However, while these policies sought to promote liberal principles as universal values, the treatment of human rights steadily weakened in reality. Such a stance was chosen to address the concerns of Southeast Asian countries that were reluctant to choose between China, which does not see

human rights violations as a problem, and Japan, which advocates for human rights. This was reflected in the conceptions of universal values used by the Japanese government. From around the mid-2010s, the main concepts used shifted from those that are opposed by China and Russia, such as human rights and democracy, to governance norms that are comparatively more palatable on the global front, such as transparency, accountability, and the rule of law.

The transition from the Abe administration which tended to be seen as distinctly conservative, to the government of his successor Prime Minister Yoshihide Suga in 2020, brought increased pressure from within the ruling Liberal Democratic Party (LDP) to implement policies of a conservative bent. That trend led to anti-China nationalism, in particular. Criticism of the Chinese government's gross suppression of human rights in Hong Kong and against the Uighurs, and calls for the Japanese government to take diplomatic action on such issues, increased as a result. There is no doubt that the factors behind this action included the growing necessity to address serious human rights issues in Asia, exemplified by the loss of freedom with the enactment of the National Security Law in Hong Kong, the coup in Myanmar, and forced labor and sterilization in the Xinjiang Uighur Autonomous Region. But the movement within the party had an impact beyond events. While grave human rights concerns arose in 2019, including the suppression

of protests against to the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill in Hong Kong, and the release of the *Xinjiang Papers* by the *New York Times* indicating that the Uighurs were being subjected to genocide, the fact that the Human Rights Diplomacy Project Team was launched within the LDP Foreign Affairs Division in 2021 was not a simple time lag.

### **(2) Priority shift from the United Nations to the G7**

New difficulties have arisen in the quest to promote human rights at the UN level. China and Russia, two authoritarian countries that abhor criticism of their human rights violations from other countries, are beginning to take coordinated actions aimed at creating counter-narratives concerning human rights norms.

The Chinese government has advanced its own distinctive approach to human rights diplomacy since the establishment of the People's Republic of China. As pointed out by Andrew Nathan of Columbia University and Robert Ross of Boston College, from the early stages of the Cold War, the Chinese government has promoted an understanding of human rights centering around anti-imperialism, ethnic self-determination, the right to development, and cultural relativism. With the arrival of the 2020s, however, Chinese counter-narratives

began to vividly express the move in lockstep with the Russian government. On November 26, 2021, just prior to the Summit for Democracy sponsored by the US government that December, an op-ed by the ambassadors of Russia and China to the United States was published in *The National Interest* magazine in an attempt to redefine liberal concepts such as human rights and democracy. The two ambassadors argued that both China and Russia are in fact democracies and insisted that interference in the domestic affairs of other countries under the pretext of human rights is anti-democratic behavior.

Such moves coincide with the decline in the ethical standing of the United States as well as its withdrawal from the UN Human Rights Council (UNHRC) due to populism in America, which adds to the seriousness of the issues at hand. This environment makes it easier than before for developing countries to be co-opted into China's human rights stance. Take, for example, the UNHRC session in July 2021, where dueling statements were presented opposing and supporting the Hong Kong National Security Law. As it turned out, 27 Council members supported the opposing statement (developed democracies such as European countries, Japan, Australia, and New Zealand). In contrast, however, 53 countries (Asian, African, and Latin American countries) sided in favor of the statement supporting the Chinese position. If this trend continues going forward, the

human rights concept could be diluted further at the UN stage.

In the realm of human rights diplomacy, it is easier for mini-lateral frameworks such as the Group of Seven (G7) to take swifter and effective action than the UN. This is because G7 is a group of developed democracies that share universal values. One such case occurred upon the military coup carried out in Myanmar on February 1, 2021. At that time, the UN Security Council found itself unable to release a statement condemning the coup due to moves by China and other members to avoid criticizing the takeover. The UNHRC managed to adopt a resolution on February 12, but it avoided criticizing the coup and was largely limited to expressing concern. In stark contrast to this was the reaction of the G7, which issued a condemnation of the coup only two days after it was staged. The same pattern was witnessed surrounding the Hong Kong National Security Law. In the G7 Foreign Ministers' Statement on Hong Kong issued on June 18, 2020, the phrase "grave concern" was adopted with regard to China's decision to impose this law. The wording of the statement adopted a stronger tone than that of the Japanese foreign minister's statements. Given that China and Russia are likely to continue staging counter-narratives at the UN, the key to such inroads may very well lie in upholding the solidarity of the G7, while searching out means of collaboration with non-G7 countries.

## Conclusion: Challenges for the future

There are two types of challenges for Japan's approach to human rights diplomacy channeled through multinational frameworks. First, Japan needs to actively engage in the development of narratives capable of upholding liberal values. Compared to its Western counterparts, there is a wider range of initiatives that could be effective if the Japanese government takes them. While China and Russia advocate the logic that Western countries impose human rights concepts upon non-Western states as unique "Western values" rooted in the importance of civil liberties, Japan is a non-Western state. If Japan as a non-Western country promotes human rights norms centering on civil liberties, it would provide a counter-narrative to the distorted interpretation of human rights promoted by China and Russia.

To achieve this, the Japanese government must move beyond the approach to understanding human rights that focuses on the right to life and social rights evident in the concept of human security. It should reassess the invaluable role of civil liberties. As noted by Amartya Sen, it is crucial to reaffirm the decisive need to ensure individual freedoms even in the quest to eradicate poverty.

Second, if words are not perennially accompanied by action, they will lack persuasiveness. It is essential for the

Japanese government to promote civil liberties both at home and abroad. This should not be limited to actions aimed at foreign countries, such as criticism of human rights violations, support for human rights activists at risk and refugees, and reconsideration of the supply chain. Efforts to improve the human rights situation domestically will express a commitment to universal values. Indeed, Japan has a long list of human rights issues that need to be reviewed. A mere shortlist of such issues includes same-sex marriage, optional separate surnames for married couples, the rights of foreign workers, civil servant labor dispute rights, and capital punishment.

Finally, in order to facilitate substantive activities for the protection of human rights abroad, a human rights support framework independent of the government must be established. Human rights constantly encounter conflict with sovereignty norms, and governments hesitate in human rights diplomacy in order not to undermine relations with other countries in areas such as the economy and security. If Japan follows the model of the Swedish International Development Cooperation Agency, which works through domestic non-governmental organizations to empower pertinent assistance, it should be possible to strengthen human rights diplomacy through an "all-Japan" agenda. Through the skillful use of public-private partnership frameworks such as the Summit for Democracy sponsored by the US government or



the Sunnylands Initiative spearheaded by private actors in the Indo-Pacific, it should prove possible to institutionalize human rights advocacy efforts geared to utilize such civilian players. Japan needs creative approaches to make its human rights diplomacy more active.

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